Anglo-Irish relations and the Northern Ireland problem 1980-1993.

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Abstract

The objective of this thesis is to analyse the development of Anglo-Irish interaction on the Northern Ireland issue 1980-1993. The thesis examines how and why the policies of the two states changed towards Northern Ireland and towards intergovernmental co-operation. The work seeks to contextualise the intergovernmental approach by identifying and evaluating the numerous factors that influenced both states in the formation of their policy. These factors include both domestic and international considerations as well each state's relationship with the two communities within Northern Ireland. The work focuses on the 1980-1993 period. 1980 saw the start of a movement towards the institutionalisation of an intergovernmental approach and in 1993 the Downing Street Declaration was signed, one of the apparent high points of intergovernmental co-operation. The development of the Anglo-Irish relationship between these two dates is extensively analysed.

The thesis argues that although co-operation between the two states did improve between 1980 and 1993 the development of the relationship was far from coherent or organic. The intergovernmental relationship can only be understood by examining the interaction of the decisions of policy-making agents and the structural constraints within which they were made. The work draws heavily on interviews with many of the key policy makers on both sides but sets their accounts and analyses in the context of the constraints they operated within. Although the two states were united in their desire to end the violence and increase stability within Northern Ireland they remained divided in their prescription of how this could be achieved. This division remained an underlying tension in the relationship. The development of Anglo-Irish co-operation was a result of rational choices by each state based on their perceived self-interest rather than as a result of a convergence of analysis by the two states.

Contents

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Perhaps my greatest debt is to the British and Irish politicians and civil servants who agreed to be interviewed. Being quizzed by over-eager students about serious and complex issues cannot be particularly rewarding or satisfying, which makes their co-operation all the more generous.

None of the above of course is in any way responsible for the views and interpretations expressed in this work.

Chapter 1. Introduction

Anglo-Irish relations: a brief historical overview.

Modern Anglo-Irish relations and intergovernmental interaction can be dated to the Government of Ireland Act of 1920. The 1920 Act created two new governments in Ireland, one in Belfast governing six counties of the northeast of the country and one in Dublin governing the remaining twenty-six counties. This situation pleased no group. Nationalists in Ireland had wanted one government to exercise control over the whole of Ireland (though disagreement existed as to whether this should be over an independent state or one exercising powers devolved from Westminster under Home Rule). Unionists in the North wanted to maintain the situation that existed between 1800 and 1920 with Ireland governed directly from Westminster. British politicians wanted to end the ability of the Irish issue to dominate the wider British political scene and felt this would be best served by Irish unity of some description. This tripartite separation of power between London, Dublin and Belfast was widely believed to be a temporary situation. The 1920 government of Ireland Act called for the creation of a Council of Ireland, which would help to pave the path to the eventual unity of the island.[1] Yet events in Ireland, both North and South, and in Britain conspired to make such unity less rather than more likely.

The South and North 1920-1969. Waiting for the inevitable?

The newly installed government in Dublin had to deal with a civil war and the acrimony that followed it for most of the early part of the post settlement period. The border was left unchanged in 1925 at the conclusion of the work of the Boundary Commission, which had been created to review the situation. The Irish government had hoped to make substantial

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[1] Paul Dixon, *Northern Ireland*, London, 2001, p.48.

territorial gains as a result of the Commission's findings.[2] It became increasingly apparent that division was not to be a temporary situation. The election of Fianna Fáil in 1932, led by the man who dominated Irish politics for the best part of half a century, Eamonn de Valera, also reduced the chances of unity. Whilst de Valera claimed, "until I die partition will be the first thing in my mind" the priorities of his government were to create a Catholic Gaelic Ireland rather than to implement policies that would secure unity. For de Valera the obstacle to unity was Britain, not the Ulster Unionists. The key to ending partition was to get Britain to break its link with the Unionists, not attempting to persuade the Unionists of the desirability of unity. Eamonn de Valera shared the belief, widely held about Northern Ireland at the time and since, that unity was inevitable[3]. The corollary of this, of course, was that the South did not really need to do anything to bring unity about. De Valera's other priority was, as far as possible, to negate the conditions that the 1920 Government of Ireland Act and the 1921 Anglo-Irish Treaty imposed, and to govern as if Ireland was an independent sovereign country.[4] Relations between Eire and Britain were poor for much of the 1930s as a result of an 'economic war' between the two states after de Valera refused to pay land annuities to Britain and followed a policy of economic protectionism. Relations with the Northern state also deteriorated as a result of de Valera's new constitution enacted in 1937. The constitution enshrined the special position of the Catholic Church and claimed, in articles 2 and 3, jurisdiction over the six counties that constituted Northern Ireland.

Eamonn de Valera left active politics in the 1950s (though he served as President 1959-1973) with little progress towards unity to show for his years in office. The combination of his belief in the inevitability of unity, the desire to reshape the culture of the South and

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[2] Michael Kennedy, *Division and Consensus*, Dublin, 2000, p.7.
[3] John Bowman *De Valera and the Ulster Question*, Oxford, 1989, pp.300-338.

redefine its relationship with Britain, arguably militated against his adoption of a policy that could have increased the likelihood of unity. (Though it is questionable whether any policy adopted by de Valera during the period could have secured such an end.) Historians agree that whilst de Valera may have been committed to the ideal of unity he would not sacrifice his quest for increased sovereignty in pursuit of Irish unity.

De Valera's view appears to have been widely shared by the population in the South. Indeed the proclamation of the Republic by the Fine Gael led government in 1948 (whilst de Valera's Fianna Fáil were in opposition) arguably further decreased the chances of unity.[5] By at least the late 1950s nationalism within the South was 26 county nationalism where the issue of sovereignty and economic advancement within the 26 counties was more important than the issue of the unity of the 32 counties.[6] Although all parties and leaders in the South continued to state their devotion to the ideal of unity and pledge themselves to furthering this aim, in terms of practical politics the preoccupation was with the economic problems faced by the South. De Valera's successor as Fianna Fáil leader and Taoiseach, Sean Lemass, pursued a more open economic policy towards both Britain and Northern Ireland. The meeting between Lemass and the Northern Ireland Prime Minister, Terence O'Neill, in 1965 was a hopeful sign, the first meeting between Irish and Northern Irish prime ministers since 1925. Lemass also appeared to be reviewing the traditional belief that Britain not the Unionists were the obstacle to Irish unity.[7] Yet any hope of rapprochement between North and South and the normalisation of relations were to be dashed by the growth of the civil rights movement in Northern Ireland and the

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[4] Ronan Fanning *Independent Ireland*, Dublin, 1983, p.94
[5] Fanning, op. cit. p.119.
[6] Peter Mair, 'Breaking the Nationalist Mould: The Irish Republic and the Anglo-Irish Agreement' in *Beyond the Rhetoric* P. Teague (ed.), London 1987, p.87
[7] Paul Dixon, *Northern Ireland*, op. cit. pp.60-64. For a more detailed discussion of Lemass's Northern Irish policy see H. Patterson, 'Sean Lemass and the Ulster Question, 1959-1965', *Journal of Contemporary History*, Vol 34 (1) 1999.

reaction of the Unionist establishment and population to it. The spiralling disorder within Northern Ireland and the outbreak of the troubles in the late 1960s made attempts to improve North-South relations impossible. The Southern government came under increasing pressure to act to protect the nationalists in the North and the salience of the issue to the Republic's politics increased to levels not seen since partition. Pressure increased in the South to move from rhetorical republicanism to practical action. Unionists in the North saw increased interest by the South as a symptom of their traditional irredentism and Unionists looked to more hard-line leaders to protect them from the combined threat of nationalist militancy and Southern interference.

Britain's Irish policy 1920-1968: insulation not participation.

Between partition and the troubles "the predominant disposition on the part of the British political elite was to insulate this last vestige of the Irish problem from the rest of the British political system."[8] The Irish question had dominated and at times defined the British political scene for much of the late nineteenth and early twentieth centuries. After partition British politicians were keen to see a line drawn under the issue. To this end an attempt was made to quarantine British politics from events in Ireland, both north and south. Although Northern Ireland was still nominally under the jurisdiction of Westminster throughout the period a mechanism was developed whereby it was deemed out of order to raise any issue at Westminster that was the responsibility of the devolved Northern Ireland government at Stormont (known as the Speaker's Convention).

Anglo-Irish relations in the inter-war years were dominated by the economic war and strategic considerations. In 1938, as part of the negotiations that concluded the economic war, Neville Chamberlain's government agreed to return control to the Irish government of

three ports Britain had retained for strategic purposes in the south of Ireland. This was to be an issue of concern for Britain during the war, as it was feared that loss of the ports left them potentially exposed to attack via the Atlantic and Ireland. The participation of Northern Ireland in the war greatly raised the stock of Ulster Unionism amongst British political establishment. Churchill praised "the loyalty and friendship of Northern Ireland" in his victory speech and suggested if it had not been for Northern Ireland "we should have been forced to come to close quarters with Mr de Valera [over the ports] or perish for ever from the earth."[9] Ireland's international standing was damaged by the country's neutrality during the Second World War.[10]

The apparent improvement in Anglo-Irish and North-South relations under Lemass in the mid 1960s was welcomed by Britain. The focus of Anglo-Irish activity during this period was primarily economic co-operation rather than concern with the border and partition. Although Lemass may have believed that better North-South relations could be instrumental in undermining partition, the British appeared to have sought to encourage O'Neill to improve relations with Dublin for its own sake rather than as part of a policy to bring about Irish unity.[11] Britain's policy towards Northern Ireland in the Lemass period had echoes of British policy throughout the post 1920 period, insulation rather than participation. Such a policy of keeping Irish issues at arm's length could not survive the outbreak of the Troubles in the late 1960s.

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[8] P. Bew, H. Patterson and P. Teague *Between War and Peace*, London 1997, p.14.
[9] J T Caroll, *Ireland in the War Years* Plymouth, 1975, p.163.
[10] Irish neutrality was a somewhat partisan neutrality with Salmon claiming that Ireland's stance actually constituted non-belligerence rather than neutrality Trevor Salmon *Unneutral Ireland*, Oxford, 1989, p.118.
[11] Bew et al, op. cit., pp.34-25.

The Sunningdale initiative and the advent of an intergovernmental approach?

The outbreak of violence in Northern Ireland caught both London and Dublin by surprise. For all its rhetorical republicanism the South was unprepared for, and deeply disconcerted by events in Northern Ireland post 1968.[12] Similarly Britain which had for so long sought disengagement from the Irish question found itself forced to re-engage with the issue and ultimately, in 1972, to suspend the Stormont government and once again govern Northern Ireland directly from Westminster. Yet the desire to disengage remained prevalent in British politics and direct rule was seen as a temporary measure. The belief remained that some form of devolved government was the best solution for Northern Ireland. Nationalists would not countenance a return to the Stormont model under which one party, the Ulster Unionists, had ruled since partition. Whilst both London and Dublin may have been shocked and alarmed by events on the ground in Northern Ireland this shared shock did not translate into a shared analysis of the problem or the solution. The British government originally denied that the Republic had any right of input on the issue, whilst in the early days the Irish sought to criticise the British in international forums and relied on traditional anti-partionist rhetoric. But the desire by the British to return to a system of devolved government in Northern Ireland forced the two governments to work together. It became apparent that nationalists would not enter any talks that did not allow for a formal recognition of the 'Irish dimension' via an institutionalised role for the government of the Republic in Northern Ireland's affairs. The Irish for their part mirrored the British concern that events in Northern Ireland would destabilise the political situation in their own jurisdiction and moved from a position of anti-partionism to co-operating with the British government on how to best stabilise the situation within the North. The result was laid out in a British White Paper of March 1973. In June 1973 an election was held for a new 78-

seat assembly under proportional representation. The election returned a majority of 52-26 in favour of the White Paper proposals, but such figures masked the deep division within Unionism that were becoming evident. The pro-White Paper Ulster Unionist Party (UUP), the nationalist Social Democratic and Labour Party (SDLP) and the Alliance Party of Northern Ireland (APNI) agreed to form a power-sharing executive in line with the White Paper proposals.[13] The idea of power-sharing was seen by many Unionists as a betrayal but it was the provision of an institutionalised Irish dimension via a Council of Ireland that inflamed rank and file Unionism within Northern Ireland. The Irish dimension had been agreed at a conference of the two governments and the UUP, SDLP and APNI in December 1973 at Sunningdale in Berkshire. The Sunningdale Conference was important for several reasons. It can be seen as the first attempt by the British and Irish governments to broker an agreement between the two traditions in Northern Ireland (an approach that, as we will see, was to become far more prevalent in the post 1980 period). It also appeared to mark an acknowledgement by the British government that Dublin had an interest in the affairs of Northern Ireland and concede a co-sponsor role to the Republic. The Conference also saw the acknowledgement by the Irish government that the consent of the majority in Northern Ireland was necessary for any change in Northern Ireland's status (although the Irish refused to amend their constitution to remove articles 2 and 3).[14]

The Council of Ireland never came to fruition as the executive and the assembly collapsed as a result of Unionist opposition. This opposition took the form of the 1974 Ulster Workers Council Strike, which brought Northern Ireland to a standstill. The end of the

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[12] For a discussion of the British and Irish reaction to the outbreak of the Troubles in 1968 see Ronan Fanning, 'Playing it Cool: The Response of the British and Irish Governments to the Crisis in Northern Ireland; *Irish Studies in International Affairs*, Vol.12 (2001)
[13] Michael Cunningham *British Government Policy in Northern Ireland 1969-1989*, Manchester 1991, pp.50-56.
[14] *Ibid.*

power-sharing executive also marked the end of Anglo-Irish co-operation designed to broker agreement between the two traditions in Northern Ireland in this period. Although attempts were made by the British government during the rest of the 1970s to restart inter-party talks between Unionists and nationalists in Northern Ireland these were slanted towards a more internal settlement model and had no direct input from the Irish government or any comparable views of a defined Irish dimension. The opposition of Unionists in Northern Ireland not only to power-sharing but also to an institutionalised role for the Irish government ensured that no British government attempted to resurrect the Sunningdale model for many years. Yet nationalists saw the abolition of Stormont as a victory and were unwilling to participate in any devolved structure that did not allow for both power-sharing and an Irish dimension. The chances of a British government taking steps in the late 1970s likely to antagonise Ulster Unionists were further negated by Westminster arithmetic. Both the Labour government and Conservative opposition courted Ulster Unionists at Westminster due to the slender Labour majority and the possibility of a hung parliament after the next election.[15] The role apparently ceded to Dublin at Sunningdale was subsequently rescinded. The British government retreated from close Anglo-Irish co-operation to the position of Northern Ireland being an internal British problem. The Irish for their part also returned to a more traditional stance. Fianna Fáil who whilst in opposition in 1975 had called for a statement by the British government of intent to withdraw from Northern Ireland were returned to office in 1977 with a landslide. As a result the hope that Sunningdale marked the start of a close and productive Anglo-Irish co-operation turned out to be short-lived. Normal service appeared to have been restored with the collapse of Sunningdale.

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[15] Paul Dixon op. cit. pp.171-172.

Problems with existing interpretations.

Although the existing literature on Northern Ireland is far from sparse[16] there has been relatively little work dealing in-depth with Anglo-Irish relations and the impact that the interaction between the two governments has had on the situation within Northern Ireland. There has been a presumption in some quarters that the fact that the two governments have managed to co-sponsor several initiatives and agreements since the 1970s meant that the differences between the two states are negligible, unity rather than division has been taken as the hallmark of intergovernmental interaction. This analysis was most clearly articulated by the former Irish Taoiseach, John Bruton, in 1997. According to Bruton, "When historians look back on this period, they will notice a remarkable consistency of purpose in British and Irish Government policy from 1972 onwards." Whilst Bruton acknowledged "there have been concrete developments and changes" since the White Paper of 1972, he stated "the key elements in the approach of the two Governments has evolved in a consistent, organic way over the entire period." [17] Yet as this study will show the development of Anglo-Irish relations from 1980-1993 was far from consistent or organic. What united the two governments was an agreement that steps must be taken to end the violence in Northern Ireland. What divided the two states was disagreement over *how* to end the violence. Another former Irish Taoiseach, Garret Fitzgerald, has argued that the only positive achievement of IRA violence was that it "transformed the Anglo-Irish relationship". According to FitzGerald in the 1970s the focus was on Irish unity versus Northern Ireland remaining part of the UK, but this divergence of interest between the two states "has been subordinated to the common concern, the restoration of peace".[18] Yet it is

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[16] John Whyte noted in 1990 that "in proportion to its size Northern Ireland is the most heavily researched are on earth". John White, *Interpreting Northern Ireland*, Oxford, 1991, p.viii.
[17] Address by John Bruton to the Oxford Union, 7 May 1997.
[18] Quoted in E. Mallie and McKittrick, *The Fight for Peace*, London 1996, pp.27-28.

important not to conflate agreement on the need to end violence with agreement on how to end violence.

Even writers who have dealt directly with Anglo-Irish relations have a tendency to overstate the level of co-operation and underplay the tensions that have marked the relationship. Paul Arthur, who has written extensively on the subject, has highlighted some of the strains that have been evident in the relationship but gives the impression that development of intergovernmental co-operation has been relatively linear. Writing in 1996 Arthur claimed, "Relations between Dublin and London have never been more purposeful or consistent than they have been for the past decade". Yet, as Paul Bew has argued, Arthur, "fails to suggest the tensions which frequently characterized the meetings of the Anglo-Irish liaison committee of senior officials, the intergovernmental conferences or the daily exchanges at Maryfield secretariat at County Down".[19]

As well as a tendency to overstate the level of intergovernmental unity towards Northern Ireland some of the existing literature has placed too much stress on the role of external agents. Arthur has also been prominent amongst a group of writers who have placed great stress in recent times upon the impact of the international dimension, especially the role of the United States, in shaping Anglo-Irish co-operation.[20] Whilst Arthur's latest study contains much good information, it is at hard times to identify a central argument. As one reviewer noted, "there is no big idea that holds the whole thing together".[21] Yet one of the main stresses in Arthur's book is the importance of the impact of international actors and opinion on Anglo-Irish activity. The problem with such works is they fail to give

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[19] Paul Bew, *Times Literary Supplement*, 20 September 1996.
[20] Paul Arthur, *Special Relationships*, Belfast, 2000. The original, and arguably the best evaluation of the role of the international dimension is A Guelke's, *Northern Ireland, The International Perspective*, Dublin, 1988. M. Cox, A. Guelke and F. Stephen (eds.) *A Farewell to Arms*, Manchester, 2000, contains a collection of articles on the impact of the international dimension.

sufficient weight to more important domestic factors. As will be argued, the constraints and considerations that impacted upon Anglo-Irish intergovernmental co-operation were primarily domestic in origin. Undoubtedly both London and Dublin were sensitive to international opinion and at times sought to use international opinion to their own ends. Yet there is little evidence that either state shaped its Northern Ireland policy primarily, or even markedly, in response to international considerations. The international dimension is a variable that needs to be considered in any attempt to explain Anglo-Irish interaction over Northern Ireland, but much of the recent work gives the variable more weight than the evidence warrants.[22]

A similar criticism can be levied at work that places too much emphasis upon the actions of one government without giving sufficient weight to the role of the other. Arguments that rest on an imperialist interpretation have been widely discredited. These interpretations rest on the presumption that the British held onto Northern Ireland for economic or geo-strategic reasons and portrayed the Irish government as a "puppet" of the British. Such accounts fail to explain either why the British were so keen to hold onto Northern Ireland, (especially given the financial cost) or why the Irish government would allow their Northern Irish policy to be dictated by London.[23] Yet influential recent work on Anglo-Irish relations and the origins of the peace process has to some extent reversed the traditional interpretation of the diplomatic asymmetry that was usually taken to be in favour of London over Dublin. It has long been correctly noted, "Britain looms larger in the Irish consciousness than Ireland in the British".[24] Yet it is not the case that Ireland's

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[21] M. Cox's 'Book Reviews', *Irish Political Studies* 2001.
[22] See for example Michael Cox, 'Northern Ireland after the Cold War, Cox et al. (eds.) *A Farewell to Arms* op. cit. and John Dumbrell, 'The United States and the Northern Ireland Conflict 1969-194: from indifference to intervention', *Irish Studies in International Affairs*, vol.6 1995.
[23] Brendan O'Leary and John McGarry, *The Politics of Antagonism*, London, 1993, p.223.
[24] Ronan Fanning, "The British Dimension" in RTE/UCD Lectures, *Ireland: Dependence and Independence*, Dublin, 1984.

alleged historical pre-occupation with Britain and Britain's historical tiring of Ireland, created a situation whereby Irish policymakers effectively set the intergovernmental agenda and as a result dictated the shape that the co-operation took. Mallie and McKittrick in their analysis portray Irish policy makers as driving the process and their British counterparts as being at best reluctant participants whose impact upon the negotiations and shape of agreements was either negligible or negative.[25] The reality is far more complex. The differences between London and Dublin over the purpose, form, speed and depth of intergovernmental co-operation were certainly shaped by the views and actions of key individuals on the Irish *and* British sides. However, to fully explain Anglo-Irish co-operation in the period it is also necessary to examine the factors constraining the two governments and the resulting different priorities and analyses they held. Whilst factually a rich source of information, Mallie and McKittrick's work is largely one-sided and fails to engage with the British perspective to a great enough degree.

This failure to examine and contextualise the constraints which the two governments faced has also led some writers to portray British and/or Irish policy makers as having a remarkable level of decision making autonomy with regard to Northern Ireland. It is the case that the lack of electoral salience of the issue of Northern Ireland in Britain has given British policy makers a degree of decision-making autonomy[26] (and similar, if less pronounced, claims can be made for the Irish government's position). Yet care must be taken. There is a danger if one fails to sufficiently appreciate the constraints faced by policy makers then it becomes tempting to simply 'blame' the British and Irish governments for the failure to secure a 'solution' to the problem sooner. In his evaluation of Anglo-Irish relations, Etain Tannam makes much of the shifts he claims have taken

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[25] E. Mallie and D. McKittrick, op. cit. passim.
[26] M. Cunningham. *British Government Policy in Northern Ireland, 1969-2000*, Manchester, 2001, p.55.

place in Anglo-Irish policy between 1973 and 1998. According to Tannam these shifts are largely as a result of "policy learning" by the two states.[27] Yet Tannam fails to examine the changes that have taken place within nationalist, Unionist, republican and loyalist thought in the period. As a result there is the implication that if only the British and Irish policy makers had learnt from their mistakes sooner we could have arrived at a Good Friday type agreement long before 1998.

Similarly Brendan O'Leary's analysis of Conservative governments' Northern Ireland policy since 1979 argues that the apparent contradictions he identifies in British policy towards Northern Ireland are a result of "ethno-national policy learning".[28] O'Leary seems to believe that the British basically had understood the true nature of the problem in 1973 with Sunningdale, and the Conservative Party moved away from this model after returning to power in 1979. The Conservative policy makers then undertook "painfully slow learning" and "took two decades to learn what Edward Heath mostly understood in 1973".[29] O'Leary is correct in his assertion that the reason for the apparent contradictions in British government policy in the period is not simply that the British government has responded to the inevitable pressures at work in a pluralist state, "like a weathervane to the relevant political pressures".[30] Yet to understand Anglo-Irish relations it is necessary to evaluate the pressures at work at various times, as although these do not dictate the Anglo-Irish relationship they do have an influence upon it.

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[27] Etain Tannam, 'Explaining the Good Friday Agreement: A Learning Process', in *Government and Opposition*, Vol.36 No.4 2001.
[28] Brendan O'Leary, 'The Conservative Stewardship of Northern Ireland, 1979-1997: Sound-bottomed Contradictions or Slow Learning?', in *Political Studies* (1997), WLV, pp636-676.
[29] *Ibid.* pp.675-676. For O'Leary, what Heath seemed to know in 1973 was that the conflict in Northern Ireland was "ethno-national, and bi-governmental, as well as bi-national in nature" (p.675).
[30] *Ibid.* p.674.

It is the failure of most accounts to examine the totality of the relationship in-depth that makes their analysis unsatisfactory. The activities of the British government have been studied in-depth and convincing explanations offered for British policy-making.[31] Also some accounts of specific Anglo-Irish initiatives offer rich and rewarding explanations of particular intergovernmental initiatives such as the 1985 Anglo-Irish Agreement.[32] But no convincing analysis examining and explaining the development and complexity of Anglo-Irish relations in the 1980-1993 period has been written. This work seeks to fill that shortcoming.

This study deals with the period 1980-1993. 1980 represents what can be seen as the beginning of the latest phase of Anglo-Irish co-operation on Northern Ireland. The early 1980s saw the idea of an intergovernmental approach to Northern Ireland back on the agenda and two new leaders, Margaret Thatcher in London and Charles Haughey in Dublin, (both of whom came to power in 1979) dealing with the issue. 1993 was the year in which Britain and Ireland signed the Downing Street Declaration (DSD). The DSD set out the beliefs and obligations of the two governments in an attempt to entice republicans and loyalists away from violence and as such represented a landmark of intergovernmental co-operation. Yet the development of the intergovernmental approach between these two dates was far from harmonious or inevitable. This study seeks to explore and trace the development of the intergovernmental relationship throughout the period. Why was it that two governments nominally in dispute over a territory could work closely to try and bring about a situation that arguably would not fulfil their traditional stated aims? Why, despite this apparent willingness to co-operate on the issue, were disputes between the two states still so prevalent? To what extent can the developments in Anglo-Irish relations over the

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[31] M. Cunningham op. cit.

period be attributed to the actions of individuals (agents) or to the structural constraints that the agents found themselves working within? Were the policies of the two governments over the period driven by ideology or pragmatism? Did the changes of governments in the Republic and changes of governmental personnel in Britain fundamentally alter government policy in London and Dublin and intergovernmental co-operation? This work contextualizes intergovernmental co-operation 1980-1993. It examines and explains the vagaries and contradiction of the relationship and assesses the contribution of intergovernmental co-operation to the search for a resolution of the Northern Ireland conflict.

The importance of context.

The task of attempting to contextualize developments in Anglo-Irish relations in order to understand the constraints that the two governments faced, and therefore why they took the decisions they did, is a difficult one. If too much emphasis is placed on the autonomous activities of individual agents then the two governments can appear as Machiavellian masters choreographing developments in Northern Ireland to suit their own aims and objectives. Conversely placing too much emphasis on the structural constraints facing actors risks portraying the input and influence of the governments as negligible with London and Dublin appearing purely reactive and simply engaged in crisis management.[33] The problem for any analyst is what weight to place on the various factors?[34] This work argues that it is vital to examine the interaction between the structural constraints and the actions of the agents to fully appreciate the intergovernmental relationship and how it

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[32] See for example P. Bew, H. Patterson and P. Teague, *Between War and Peace: the Political Future of Northern Ireland*, London, 1997, pp.39-69 and P. Dixon, *Northern Ireland* op. cit. pp.190-215.
[33] For a discussion of the argument that the British government's policy was characterised by crisis management see Michael Cunningham *British Government Policy in Northern Ireland 1969-2000,* Manchester, 2001, pp.153-155.
[34] For a discussion of the Structure versus agency debate see Paul Dixon, op. cit., ch.2

impacted on the Northern Ireland conflict during the period. The actions and motivations of the main agents have heavily influenced the arguments of this study, not least because the work draws on interviews carried out with many of the main agents who have shaped British and Irish policy towards Northern Ireland. Yet as far as possible the structural constraints impacting on the agents have been included and examined. The underlying thesis of the work is that the conflict in Northern Ireland, and as a result the actions of the two governments acting both unilaterally and intergovernmentally, was shaped by the constraints imposed by the interaction of numerous variables. The British and Irish governments did not have complete autonomy but were constrained by the necessity to shape policy in pursuit of what was possible rather than what was necessarily their desired outcome. Yet caution is needed. It is not the case that the constraints impacting upon the two governments were so great as to completely limit their ability to influence, and at times shape, the events on the ground in Northern Ireland. By examining the interaction of the structural constraints and the actions of agents a more complex and convincing portrait of Anglo-Irish relations emerges than that which has tended to be traditionally portrayed.

This study is not a comprehensive history of the Northern Ireland conflict. Others have provided such works.[35] Whilst important events in Northern Ireland during the period are dealt with they are done so from the perspective of the Anglo-Irish relationship. Events are discussed in terms of how they impacted upon the interaction of the British and Irish governments' policies towards Northern Ireland, or how the policies of the two governments impacted upon the events. Nor is it an attempt to examine every facet of Anglo-Irish relations in the period. The focus is on the interaction of Britain and Ireland at governmental level. Although the Northern Ireland conflict has at times been influenced

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[35] See for example, Jonathan Bardon, *A History of Ulster*, Belfast 1992 and Thomas Hennessy, *A History of Northern Ireland 1920-1996*, London 1997.

by wider elements of the British-Irish relationship and non-governmental Anglo-Irish bodies, such instances are only dealt with in so far as they had implications for governmental co-operation.[36] This work critically examines intergovernmental interaction between Britain and Ireland towards the Northern Ireland problem 1980-1993. It attempts to explain the reasons for the interaction; why at times it took the form of co-operation and at others of competition. Given the complexities of the Northern Ireland conflict no work can be explain every facet of the issue. The best a researcher can hope to do is offer a convincing analysis of an aspect of the problem and challenge existing misconceptions. This thesis seeks to do both in its examination of Britain and Ireland's approach to the Northern Ireland question during the period.

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[36] The terminology is also difficult. The term 'Anglo-Irish' is perhaps too narrow and a case has been made for using the term 'British-Irish' instead. In general when discussing interaction at governmental level the term Anglo-Irish is used. This is justified both on the grounds of continuity and convenience and by the fact that policy at governmental level was largely shaped in Dublin and London. There is little evidence that the other principal components of the British Isles, the Scots and Welsh, had any marked input in shaping Britain's Irish policy. (Though at times British policymakers considered the implications that initiatives in Northern Ireland could have on the demands of Scottish and Welsh nationalists). Paul Gillespie's argument that there has been a shift from Anglo-Irish to British-Irish relations has more validity for the period post the 1998 Good Friday Agreement, although it perhaps overstates the transformation in intergovernmental relations. Paul Gillespie, 'From Anglo-Irish to British-Irish relations', in M. Cox, A Guelke and F Stephen (eds) *A Farewell to Arms?* Manchester, 2000.

Chapter 2 1980: New planes and false dawns.

"The time has surely come for the two sovereign Governments to work together to find a formula and lift the situation onto a new plane, that will bring permanent peace and stability to the people of these islands."

Charles Haughey. Fianna Fáil Ard Fheis 16/2/1980[1]

The future of the constitutional affairs of Northern Ireland is a matter for the people of Northern Ireland, this Government and this Parliament, and no one else."

Margaret Thatcher. House of Commons, 20/5/1980.[2]

It may seem strange to devote an entire chapter to 1980, just one-year of the period under consideration. However 1980 is often taken as the start of the modern period of Anglo-Irish intergovernmental co-operation. It saw the newly installed Irish Taoiseach, Charles Haughey, attempting to shift the direction on Northern Ireland policy making from initiatives in the North to an intergovernmental focus on the North. To understand the importance of 1980, or perhaps more accurately why the importance of the year has been overstated, it is necessary to examine the events of 1980 in some detail. This chapter examines to what extent Haughey's policy marked a change in Dublin's approach and why Haughey sought to pursue the intergovernmental avenue with such apparent zeal. Similarly why was it that by the end of the year Mrs Thatcher, seen as the most Unionist of British prime ministers in recent times, led the highest profile British delegation to the Republic since the formation of the Irish state? These events were not the result of a shift in the analysis of the two governments to a shared evaluation of the problem. The actions of both the Haughey and Thatcher governments can be explained in terms of domestic considerations and the perceived self-interest of the two states. The problem that was to become evident in the years following 1980 was that the perceived self-interest of the two states did not coincide to a large enough extent. The two governments did not manage to

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[1] *The Irish Times* 18/2/80

[2] House of Commons *Debates* Vol.985, 20 May 1980, Col 250

agree to what ends they were co-operating in 1980. This disagreement over ends led the two states to question the means of co-operation in the aftermath of the 'high' of 1980.

Charles Haughey's 'new' policy for Northern Ireland

In his first address to the Fianna Fáil Ard Fheis as Taoiseach, Charles Haughey set out what was to be the basis of his Northern Ireland policy. This speech, his first major policy statement on Northern Ireland, contained three major proposals, which with varying degrees of intensity were pursued throughout his first term in office.

The first and most actively pursued aspect of Charles Haughey's Northern Ireland policy rested on the premise that the way to solve the Northern Ireland problem was by the two sovereign governments working together on the issue. Haughey placed a far greater importance on intergovernmental co-operation than on seeking to reach an accommodation within Northern Ireland between Unionism and nationalism. This was seen as a break with the previous Irish view, held since the outbreak of the Troubles, that reconciliation within Northern Ireland itself was a more pressing goal than unity. [3] In his Ard Fheis speech Haughey claimed Northern Ireland presented a depressing picture. After listing the economic problems facing Northern Ireland the Taoiseach made a point of condemning violence saying it "can never bring a solution". However, for Haughey the underlying problem lay not in the way that Northern Ireland was governed, or the violence, but in the Province's very existence:

> "For over 60 years now, the situation in Northern Ireland has been a source of instability, real or potential in these islands. It has been so because the very entity itself is artificial and has been artificially- sustained. In these conditions violence and repression were inevitable…We must face the reality that Northern Ireland, as a political entity, has failed and that a new beginning is needed...This Government

[3] It is, however, not universally accepted that Haughey's speech marked a clear break with past government policy. For a fuller evaluation of the progression of Irish government policy on Northern Ireland see the series of articles by Dennis Kennedy in *The Irish Times,* 19-21 February 1980.

> sees Northern Ireland as the major national issue, and its peaceful solution as our first political priority" [4]

For Haughey this "new beginning" was the consideration of Northern Ireland on "the new plane" of intergovernmental co-operation. In an interview after the speech he announced he was "inviting the British Government to join with us in bringing forward a lasting solution".[5]

The second aspect of Haughey's Northern Ireland policy was the attempt to 'internationalise' the issue. The 'invitation' to the British Government was to be coupled with an international diplomatic offensive "to enlist the aid of all our friends in support of our policy".[6] This diplomatic effort, which entailed sending a copy of Haughey's speech to Irish embassies around the world and pledging to raise the issue of Northern Ireland with other heads of states whenever possible, was perhaps unlikely to make any major difference internationally to how the problem was viewed.[7] In this respect Haughey's policy was far from new. Previous Taoisigh had attempted to use international opinion to pressurise the British Government in regard to Northern Ireland. Periodically since the formation of the state the Irish had used this device, usually in an attempt to mobilise Irish-American opinion.[8] In this regard Haughey was simply announcing that he intended to pursue an avenue which, whilst it may not have been particularly fruitful in terms of securing overt international consideration of Northern Ireland, had traditionally been something which British governments were keen to avoid.[9]

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[4] *The Irish Times*, 18/2/80.
[5] *Ibid.*
[6] *Ibid.*
[7] David McKittrick claimed that it "sounds impressive but according to experienced diplomats, may well mean very little in practical terms." *The Irish Times*, 23/2/80
[8] See for example Jack Holland, *The American Connection* op. cit., A Guelke *Northern Ireland The International Dimension* op. cit. and for an analysis of American influence in recent times, Conor O'Clery, *The Greening of the White House*, op. cit.
[9] The British concern to limit international (especially American) criticism can be seen in various Cabinet Ministers memoirs. See for example Geoffrey Howe op. cit. p.423 and Margaret Thatcher op. cit. p.412.

The third element of Haughey's approach evident in this speech was a call for "a declaration by the British Government of their interest in encouraging the unity of Ireland…" For Haughey the key to the problem was not the attitude of Northern Ireland Unionists but the British guarantee to the Unionists. Haughey's Minister for Foreign Affairs, Brian Lenihan, stated that getting the British to drop the guarantee was "the key to the whole matter".[10] This call for the British to declare in favour of a united Ireland may be seen simply as a repetition of hard line republican rhetoric for the party faithful. Haughey proclaimed he was looking forward to, "some new free and open arrangement in which Irishmen and women, on their own, without a British presence but with active British goodwill, will manage the affairs of the whole of Ireland…"[11] However, what is interesting about this speech is Haughey's omission of his previous call for the British to declare intent to withdraw.[12] In 1975, during the run up to a by-election in West Mayo Fianna Fáil (then in opposition under Jack Lynch) had issued a statement calling on the British to withdraw from Northern Ireland and Haughey had specifically supported the idea in a speech the following week.[13] The reason for the absence of such a call in his 1980 Ard Fheis speech was probably due to the combination two factors. In 1975 Haughey had been worried that Michael O'Kennedy, who drafted the Fianna Fáil statement, might launch a future leadership campaign on the strength of his high profile Northern Ireland stance, a consideration not as applicable in 1980. Secondly, and more importantly, was the reality of government. If Haughey was serious about trying to pursue an inter-governmental

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International pressure was something of a double-edged sword however. Charles Haughey himself came under tremendous pressure from Irish-America over his plans to remove the Irish Ambassador to Washington, Séan Donlon. Haughey had to back down in the face of the reaction and claimed never to have contemplated such an action. (See Garret FitzGerald, *All in a Life* op. cit. pp.347-349 and *Irish Times*, 9 & 10 July 1980, for an account of the incident.)

[10] *The Irish Times* 19/5/80

[11] *The Irish Times* 18/2/80

[12] A point made by T R Dwyer in *Charlie: The Political Biography of Charles J Haughey.* Dublin, 1987, p.134

approach to Northern Ireland a simple call on the British to declare an intent to withdraw was unlikely to encourage the British to look upon him as a possible partner worthy of consultation on Northern Ireland. The realpolitik of the situation in Northern Ireland meant that no British declaration of intent to withdraw was either likely, or indeed advisable, from the Irish point of view. (Whether an ending of the guarantee to the Unionists was any more feasible, or potentially helpful, is perhaps a moot point.)

Margaret Thatcher's policy.

As illustrated by the statement quoted at the outset, issued on the eve of the first Thatcher-Haughey summit, Margaret Thatcher did not appear to share Charles Haughey's desire to elevate the consideration of Northern Ireland onto a 'new plane'. The Conservative Party's 1979 election manifesto had contained a commitment to a broadly integrationist approach to Northern Ireland. This integrationist approach was dropped, however, after the election.[14] Instead the early policy of Thatcher's government was to launch a round of talks between the Northern Ireland Secretary of State, Humphrey Atkins, and the constitutional parties in Northern Ireland; the so-called 'Atkins Talks'. The Atkins Talks were aimed at securing agreement between the Northern Irish political leaders that would allow the British to devolve government back to Northern Ireland. The White Paper published in November 1979 outlining the approach contained no reference to an Irish dimension. (Though Atkins subsequently allowed discussion of the Irish dimension to be held in parallel talks to ensure the SDLP's participation.[15]) Charles Haughey's invitation notwithstanding there was a marked reluctance on the part of the Thatcher government to seek 'new planes' for considering Northern Ireland throughout 1980. It was against this backdrop of a professed desire by the Irish to seek an inter-governmental approach to

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[13] Bruce Arnold, *Haughey. His Life and Unlucky Deeds,* London, 1993 pp. 136-137
[14] Paul Bew and Henry Patterson, *The British State and the Ulster Crisis*, London, 1985, p.111.

Northern Ireland, and an attempt by the British government to achieve an internal solution to the problem, that the first Thatcher-Haughey summit took place. [16]

The teapot summit

Although Charles Haughey had claimed that Northern Ireland was his government's 'first political priority' he admitted when pressed in the Dáil in February 1980 that there were no plans for an early meeting with Mrs Thatcher.[17] The first meeting between the two took place at the European Council in Brussels at the end of March. After a brief meeting on the fringes of the European summit the two leaders agreed to a substantive meeting, which took place on 21 May 1980.

In the run up to the summit hopes of a breakthrough on the Irish side centred upon Charles Haughey's ability to convince Mrs Thatcher that the Atkins talks were based upon too narrow a remit. For the Haughey government the problem was three- dimensional: the internal affairs of Northern Ireland, North-South, and Anglo-Irish, relations.[18] Charles Haughey was aided in this by the SDLP leader John Hume who had delivered the same message to Mrs Thatcher in his meeting with her a week before.[19] However, the British for their part were attempting to play down the significance of the meeting. On the eve of the summit Humphrey Atkins repeated the British assertion that Northern Ireland was not a subject for anyone other than the people of Northern Ireland, Britain, and the British Parliament.[20]

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[15] *Ibid.* p.113
[16] Mrs Thatcher's preferred model was majority rule devolution. M. Thatcher, op. cit., pp. 385-386.
[17] *The Irish Times* 21/2/80.
[18] *The Irish Times* 21/5/80. The acceptance of the three dimensional aspect of the Northern Ireland question was later to be institutionalised by the three strands approach adopted by Peter Brooke as the basis for talks in 1991.
[19] *The Irish Times* 14/5/80

The impact of the summit itself was relatively slight. Although the two leaders agreed to meet twice a year from then on there was little to suggest that Haughey had convinced Mrs Thatcher of the need for his three-pronged approach. The two issued a joint communiqué stating, "The Prime Minister and the Taoiseach each agreed that they wished to develop new and closer political co-operation between their two Governments". In one respect though the summit was a success. By all accounts Charles Haughey charmed Mrs Thatcher in London –he had presented her with a silver Georgian teapot. It was as a result of this summit that Mrs Thatcher developed her "initial-and surprising… -if short lived- affection for Charles Haughey".[21] Haughey himself described his private conversation with Mrs Thatcher as "one of the friendliest and most open of my political career".[22] However, whilst the two leaders may have got on well at a personal level this on its own would not be enough to improve Anglo-Irish relations. It was important for Haughey to secure some tangible gains in regard to Northern Ireland to appease his own republican flank. As one commentator noted, "Mr Haughey has embarked upon a courtship of Mrs Thatcher but he is by nature a man who expects some return for his courting".[23]

The Irish put a very positive interpretation on the summit; it was even claimed that Haughey "left Downing Street…convinced that the British Prime Minister, Mrs Thatcher, is now prepared to give the problem of Northern Ireland the kind of attention once devoted to reaching a settlement in Zimbabwe".[24] Haughey refused to give any details of the talks though, claiming that he had agreed with Mrs Thatcher that the talks would remain confidential (a stance that was to lead to a great deal of mistrust and confusion a few months later after the Dublin summit). Given the confidentiality of the talks it is

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[20] *The Irish Times* 10/5/80.
[21] Geoffrey Howe, op. cit., p.413
[22] *The Irish Times* 22/5/80
[23] Mary Holland, "In return for the silver teapot", *The New Statesman, 30/5/80.*

impossible to know what was discussed regarding Northern Ireland between the two leaders but one of Haughey's biographers, Bruce Arnold, has claimed that actually very little conversation regarding Northern Ireland took place. Mrs Thatcher was apparently unwilling to discuss the issue and steered the conversation to wider international issues. Arnold maintains that Haughey's statements at the press conference afterwards "had little to do with the actual content of their talks and a great deal to do with his imaginative perception of what they might have implied or suggested".[25] What is clear, however, is that Mrs Thatcher was not convinced of the need for his three dimensional consideration of the Northern Ireland issue as evidenced by her government's discussion paper, *The Government of Northern Ireland. Proposals for Further Discussions*, published on the 2 July 1980, barely six weeks after the London summit.

Continuing the search for internal agreement

The first round of the Atkins Talks were adjourned indefinitely on the 24 March 1980 after making little progress.[26] The hope that the talks would lead to an agreement over what form of devolved government would be broadly acceptable to all the major parties in Northern Ireland proved unrealistic. The British had hoped to be able to include proposals for legislation in November's Queen's Speech. Even after the adjournment of the talks Atkins attempted to construct a formula for progress. The major sticking point had been the refusal of Unionists to accept power-sharing (more specifically the Democratic Unionist Party as the Ulster Unionist Party had boycotted the talks claiming they were simply a gimmick[27]) and the insistence of the SDLP on power-sharing and an Irish dimension. The new proposals published in July were a rather inelegant attempt to straddle

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[24] *The Irish Times*, 22/5/80
[25] Arnold op. cit. p.168.
[26] Michael Cunningham, *British Government Policy in Northern Ireland 1969-89* op. cit. p.145
[27] Bew and Gillespie *Northern Ireland A chronology of the Troubles 1968-1993*, Dublin, 1993, p.137

the two positions. Atkins proposed two options. Firstly that seats on the executive be allocated in proportion to each party's share of the vote or the number of seats they have in the assembly (power-sharing). Alternatively if this proved not to be achievable then the executive could be comprised of one party but balanced by a Council of the Assembly (majority-rule with in-built safeguards for nationalists). Neither option made any reference to an Irish dimension, though the document did note the unique relationship between Britain and Ireland.[28] Unsurprisingly each side focused upon the model that best reflected their position and little came of the initiative. By September, given the inability to reach agreement on the form a devolved government could take, Atkins was considering setting up a purely consultative assembly. However, this idea had to be dropped due to resistance from the SDLP (and apparently behind the scenes from the Irish Government). Seamus Mallon, deputy leader of the SDLP noted, "To be ruled by British Ministers is bad enough. To advise them on how to rule us would be the ultimate in political weakness".[29] The initiative was officially ended by Atkins when he informed parliament that there "is not sufficient agreement between the political parties to justify the Government bringing proposals to the House for setting up a devolved administration at this stage."[30]

The proposals do serve to illustrate, however, that at this stage the British Government was not in agreement with Charles Haughey over the need to approach Northern Ireland intergovernmentally. Charles Haughey and John Hume had both impressed on Mrs Thatcher the importance of considering Northern Ireland in a wider context than just internal governmental arrangements. Charles Haughey had had a high profile summit with

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[28] *The Irish Times*, 3/7/80.
[29] *The Irish Times* 27/9/1980.
[30] M Cunningham, *British Government Policy in Northern Ireland 1969-89* op. cit., p.145. The fact that speculation had been allowed to continue throughout 1980 that the Queen's Speech would contain legislative proposals for Northern Ireland only highlighted the failure. The I*rish Times* summed up the situation on the day of the Queen's Speech with a cartoon showing the Queen stating "My Government feels that no

Mrs Thatcher in which he apparently discussed the issue and had publicly pledged himself to harnessing international opinion to promote an intergovernmental approach. The Irish Government had let their disquiet at the July proposals be known before they were published[31]and the Taoiseach had appeared on the influential British television programme, *Panorama*, to explain his position. Yet the July proposals contained no Irish dimension. In August Humphrey Atkins had specifically stated that whilst "The South has as keen an interest as anybody else outside the United Kingdom" in the government of Northern Ireland, "it is our responsibility and nobody else's".[32] Yet less than four months later there was to be talk of 'historic' breakthroughs and pledges by Haughey and Thatcher to consider "the totality of relationships within these islands" and developing "the unique relationship between the two countries".[33]

The Dublin summit.

The discussions held between the Irish and British Governments at Dublin Castle on the 8 December 1980 were, according to *The Irish Times*, "the most extensive to have been held by Irish and British Ministers on Irish soil since the foundation of the State". [34] The British delegation was the most high profile one to visit Ireland since partition and included the Prime Minister; the Secretary of State for Northern Ireland, Humphrey Atkins; the Foreign Secretary, Lord Carrington; and The Chancellor of the Exchequer, Geoffrey Howe. The joint communiqué, which was issued at the end of the conference, was to be one the most debated and interpreted documents in modern Anglo-Irish relations. The communiqué noted that "the peoples of the United Kingdom of Great Britain and Northern Ireland are

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programme of legislation would be complete without mentioning Northern Ireland…Hello Northern Ireland." *Irish Times* 12 November 1980.

[31] *The Irish Times*, 9/6/80

[32] *The Irish Times* 19/8/80

[33] Phrases taken form the joint communiqué issued after the Dublin Castle Summit. *The Irish Times* 9/12/80.

[34] *The Irish Times*, 8/12/80.

inextricably linked" but this was put under strain by the situation in Northern Ireland. To this end "they accepted the need to bring forward policies and proposals to achieve peace, reconciliation and stability; and to improve relations between the peoples of the two countries". The two paragraphs following this statement are the ones that were to be re-examined and reinterpreted over the coming months:

> "They considered that the best prospect of attaining these objectives was the further development of the unique relationship between the two countries.
>
> "They accordingly decided to devote their next meeting in London during the coming year to special consideration of the totality of relationships within these islands. For this purpose they have commissioned joint studies, covering a range of issues including possible new institutional structures, citizenship rights, security matters, economic co-operation and measures to encourage mutual understanding".[35]

The key phrases here are "totality of relationships" and "new institutional structures".

These rather ambiguous words were to provoke a great deal of debate as to what was actually envisaged by the two governments and, ultimately, to be a source of disagreement between the two governments on what had been agreed.

From May to December.

Why then was there this apparent change in attitude by the British government between the middle and end of 1980? And why was the Irish Government so keen to move consideration of Northern Ireland onto the intergovernmental level? The reasons for the change in emphasis are, like so much in Anglo-Irish relations, multifaceted. Events directly related to Northern Ireland, issues of domestic concern for the two governments and international considerations all had a part to play in the lead up to the Dublin summit. Whilst some issues influenced the two governments others had a more pronounced affect on one particular side.

Factors influencing the Irish Government

At least five factors can be suggested as possible reasons why Charles Haughey pursued his policy of pushing for an intergovernmental approach to Northern Ireland.

- *Domestic considerations*

A possible reason for Haughey's desire to secure consideration of Northern Ireland at the intergovernmental level was his need to be seen to be making progress on the issue. Fianna Fáil has historically seen itself as the republican party of southern politics and contained an influential, and occasionally vocal, republican wing. Haughey himself had since the early 1970s, if not before, been closely associated with this section of his party. Indeed it was this wing of the party that was influential in the decision of Jack Lynch to resign the party leadership, enabling Haughey to become Taoiseach[36]. (This is not to say that Lynch was entirely ousted as a result of his Northern Ireland policy[37]). The expectation of this section of the party was that Haughey would make progress on 'the national question'. It was obviously not going to be the case that the British would embrace an intergovernmental approach just because Haughey felt it was the way forward. Indeed given his historical baggage the British were more likely to be wary of dealing with Haughey on the issue. To this end Haughey had to tread a fine line between making overtures to the British in order to convince the Thatcher government that it would be advisable to consult with the Irish over Northern Ireland and appeasing his more republican supporters within Fianna Fáil. One step that Haughey took to allay British fears was in the area of security. Haughey

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[35] *The Irish Times,* 9/12/80.

[36] JJ Lee suggests that the reason Haughey became a vocal advocate of republicanism at the outbreak of the Troubles was in order to prevent Neil Blaney securing the leadership of the republican camp within Fianna Fáil, JJ Lee, *Ireland1912-1985*, Cambridge, 1989. Dick Walsh makes a similar point about Haughey's lack of prior republican credentials in *The Party*, Dublin, 1986 pp.100-101.

[37] Jack Lynch resigned as Fianna Fáil leader in December 1979. Lynch claimed that he had made the decision to quit even before he was elected Taoiseach in 1977. Lynch had been party leader since 1966 and Taoiseach 1966-1973. For a description of the events surrounding Lynch's departure see Bruce Arnold, *What Kind of Country: Modern Irish Politics, 1968-1983*, London, 1984 pp.137-145

actually increased security co-operation with the British when some feared that he would be sympathetic to republican terrorists and may be less co-operative than Lynch had been. Mrs Thatcher acknowledged this security co-operation at an early stage. In May 1980 the Prime Minister told the House of Commons "I must stress that we are getting very good co-operation on security matters across the border."[38] Ironically it was Haughey's perceived republicanism that enabled him to increase security co-operation with the British government. [39] One commentator, Dick Walsh, noted at the end of the year that Haughey was getting a much easier ride over his handling of Northern Ireland than his predecessor and concluded, "The moral of the story is clear. If you have the name of a Mass-goer, you can rest easy in your bed of a Sunday morning".[40] However Haughey was aware that a reputation for being 'sound' on the Northern question alone would not appease his supporters indefinitely and he needed to be able to claim some progress over Northern Ireland as a result of his stated policy of co-operation with the British on the issue. Whilst he still occasionally indulged in some stronger republican rhetoric, particularly during by-elections, much of Haughey's activity in 1980 was designed to encourage the British to work with his government over Northern Ireland.

- *Insulating the South from the conflict*

A second possible reason why Haughey wanted to pursue an intergovernmental approach, and one closely linked to the security issue noted above, was the situation within Northern Ireland itself. Since the outbreak of the Troubles in Northern Ireland there has been a residual fear within the South that events in Northern Ireland would spill over and undermine the security (and stability) of the Southern state itself. This fear was at its height in the mid 1970s and especially when the Wilson government seemed to be contemplating

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[38] House of Commons, *Debates*, vol.985 22 May 1980, Col.712
[39] A point made by FitzGerald in his memoirs, *All in a Life* op. cit., p. 346

withdrawal.[41] It can be argued that Haughey's emphasis on an intergovernmental approach was simply a logical attempt to try and make progress on Northern Ireland and as a result detract support from armed republican groups within the North, thus reducing instability. If Haughey could argue that he was making progress towards unity, and in this regard the armed struggle was a hindrance rather than help, it could put pressure on the IRA. Whilst there is an undoubted logic to this argument it is worth bearing in mind that the period when Haughey launched his policy was not a particularly violent one by Northern Ireland's standards at the time. Also the Irish state was not particularly at risk of becoming embroiled in the issue in this period (arguably Haughey's policy itself increased the likelihood of such involvement). The logic of this policy also ignores the question of what effect would such a policy have on loyalist paramilitaries and their level of activity? The rationale for this approach is more suited to the period after the 1981 hunger strike. The argument that the intergovernmental approach was necessary to stem the tide of support for republicanism within Northern Ireland was, as we shall see, to become an important stimulus for government action from 1983 onwards.

- *Distracting attention from the economic malaise*

A third suggested reason for Haughey's desire for an intergovernmental approach to Northern Ireland in general, and his attempt to make the issue of Northern Ireland his 'first political priority' in particular, was to distract the Irish electorate from his government's economic problems.[42] By the time Charles Haughey came to power in December 1979 it was evident that Ireland was facing economic difficulties. In January 1980 Haughey appeared on television in a special address and warned the country "we have been living at

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[40] *The Irish Times*, 11/12/80.
[41] G FitzGerald *All in a Life* op. cit. p.271. For a discussion on the withdrawal debate within the Wilson government see Dixon *Northern Ireland* op. cit., pp.165-171.
[42] P O'Malley op. cit., p.27.

a rate which is simply not justified by the amount of goods and services we are producing".[43] However Haughey was unable (or unwilling) to enforce the austere measures, especially in terms of wage restrictions, that were arguably needed to redress this situation.[44] This made Haughey aware of the difficulties he would face in seeking re-election on the grounds of the state of the economy and so he sought another issue on which to base his electoral platform. Progress on the Northern Ireland question could possibly have provided such a platform.

This argument is borne out to some extent by the fact that Haughey did indeed attempt to place Northern Ireland at the hub of his electoral campaigns in all three of the elections between 1981-1982, though he never succeeded in making it a central issue with the voters. Whilst Haughey may have believed that 'progress' on the issue could help to offset a poor economic performance it was clear that it would not on its own obliterate more basic domestic issues. The Republic's electorate throughout the 1970s had not seen Northern Ireland as an important electoral issue, and there was little to suggest that it would be in the early 1980s.[45] It also begs the question, what level of 'progress' would have been necessary to persuade the voters to re-elect Haughey primarily on the grounds of his Northern Ireland policy? Arguably more progress than he was realistically likely to achieve before the next election.

- *Responding to Hume's pressure*

A fourth suggested reason for Haughey's attempt to lift consideration of the Northern Ireland question onto the 'plane' of intergovernmental co-operation is the influence of the

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[43] T R Dwyer op. cit., p.133
[44] A point made by both Dwyer and Arnold in their biographies of Haughey.
[45] This issue is discussed by Peter Mair, "Breaking the Nationalist Mould: The Irish Republic and the Anglo-Irish Agreement" in P. Teague (ed) *Beyond the Rhetoric*, London, 1987.

SDLP leader, John Hume. In his study of the peace process, Thomas Hennessy asserts that it was Hume who revived the Anglo-Irish process.[46] Hennessy rightly records that by the late 1970s Hume was openly calling for an intergovernmental approach to the issue and for the British to join the Irish government in becoming persuaders for Irish unity. Hennessy claims that the impact of Hume's strategy was evident in July 1980 when the SDLP and the Haughey government endorsed a common policy. Haughey "represented the unreconstructed Nationalist *par excellence* and was committed to a simple British declaration of intent to withdraw from Northern Ireland. But Hume persuaded Haughey to modify this simplistic approach".[47] Hume's promotion of an intergovernmental approach was important in shaping the parameters of the debate within the Republic's government. The SDLP leader was undoubtedly influential in Dublin but Hennessy overstates Hume's influence on this issue. As has been shown Haughey had dropped the demands for a declaration of intent to withdraw since taking office in December 1979 months before the agreed statement with the SDLP was issued in July 1980. Indeed in the press reports of the joint statement it was stated that the SDLP had supported Haughey's line on the North, rather than the other way round.[48] The *Irish Times* seemed to place the initiative at Haughey's doorstep rather than Hume's, noting in a leader, "In recent days, and it seems novel, the phrase comes up of the necessity for 'Dublin-London co-operation'. If Mr Haughey were not the first to use it, he seems to have made it stick more than anyone else before".[49] Haughey appears to have decided to seek an intergovernmental approach upon coming to power in December 1979. The promotion of such an ideal by Hume may have been influential but as outlined above other factors were also instrumental in persuading Haughey of the wisdom of such an approach.

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[46] Thomas Hennessy *The Northern Ireland Peace Process*, Dublin, 2000, p.19.
[47] *Ibid.* p.22
[48] *Irish Times* 18 July 1980.
[49] *Ibid.* 19 July 1980.

- *Haughey's baggage*

The fifth suggested reason that has been suggested as to why Haughey was keener to work with the British government rather than with groups within the North, was that he had no hope of successfully pursuing the intra-Ireland route. Given Haughey's involvement in the arms crisis of 1970 some felt that Haughey could not be an acceptable figure to Ulster Unionists and so any overtures he made to Northern Unionists would be rejected.[50] The mistrust of Haughey by the majority community in Northern Ireland meant, "he needed to go above the heads of the two sides in Northern Ireland and come to an understanding with Margaret Thatcher".[51] Whilst it is undoubtedly the case that Haughey was not, given his 'republican baggage,' ever likely to be acceptable to the Unionist community in the North, this argument has two flaws. Firstly it begs the question how possible would it have been for any Irish Taoiseach to overcome the inbuilt suspicions of Ulster Unionists to the Irish government at this time? Secondly Haughey himself seems to have had little interest in reaching out to Unionists other than to discuss the creation of a united Ireland. It is unlikely that he went down the intergovernmental path because of his unacceptability to Ulster Unionists, but rather because of his personal belief that the British were the key to the issue, not the Ulster Unionists.[52]

It is debatable just how much a 'break' with the past Haughey instituted with the Northern Ireland policy he outlined in February 1980. At one level the idea of seeking to co-operate with the British government over the Northern Irish issue was a return to the policies of

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[50] Charles Haughey had been sacked from his position of Minister of Finance in 1970 after an alleged involvement in a plan to use money allocated for relief in Northern Ireland to buy arms for Catholics in the North. (Two other Cabinet Ministers, Neil Blaney and Kevin Boland also left their posts over the issue). Haughey was later acquitted in what became known as 'the arms trial'. But the issue remains contentious. For the most up to date account see Justin O'Brien, *The Arms Trial*, Dublin 2000.

[51] Arnold *Haughey* op. cit., (Dublin 1993) p.167

Sunningdale. Yet Haughey's plans placed a far greater emphasis on co-operating to bring about Irish unity rather than on seeking to stabilise the North as an end in itself. As such his approach had echoes of the traditional de Valerian policy of an earlier period. What is clear though is that the vocal advocacy by Haughey of an intergovernmental approach was a departure from the Irish government's policy since the collapse of Sunningdale.

Haughey's stance was primarily motivated by domestic considerations. The poor state of the Irish economy meant a 'success' in the Northern field would be a welcome distraction, although the chances of such a success were highly questionable. Such an approach also had the advantage that it could appease an important wing of his parliamentary party. Such considerations, when coupled with Haughey's own ideological view of the Northern Ireland issue and the reason the political entity of Northern Ireland had 'failed', offer the most convincing explanation for the Fianna Fail leader's pursuit of intergovernmental co-operation.

Factors influencing the British Government

Mrs Thatcher's attitude to the possibility of an intergovernmental approach to Northern Ireland is more ambiguous and hesitant than the enthusiasm of Charles Haughey. In the period between the May and December summits Mrs Thatcher appeared to soften her stance on co-operating with the Irish (although what was agreed in December was to be a source of division between the two governments). For the British side a variety of possible factors can be identified for this apparent willingness to co-operate with Dublin on the issue. Many of these factors are specifically inter-linked and it is the combination of two or more of the following which probably account for the British agreement to December's joint communiqué.

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[52] For an interesting discussion of the beliefs of Haughey and Fianna Fáil see P. O'Malley op. cit. pp 55-60.

- *Exasperation with Northern Irish politicians*

The first possible reason for Britain's apparent willingness to give a higher profile role to Anglo-Irish co-operation was an increasing exasperation with Northern Ireland politicians. It was widely believed at the time that the failure of the Atkins Talks had led the British to despair of finding an agreement amongst the Northern Ireland parties and as a consequence of this exasperation the British were more disposed to respond positively to Mr Haughey's overtures.[53] This attitude is neatly summed up in a cartoon by Gibbard, which appeared in *The Guardian* the day after the Dublin summit. Gibbard depicts Mrs Thatcher, Geoffrey Howe and Lord Carrington irritably walking out of the Northern Ireland section of an Irish Maze towards Dublin with Mrs Thatcher proclaiming, "Maybe there's an exit down here".[54]

The failure of the Atkins Talks forced the British government to re-evaluate their approach to the issue. It was strikingly evident by the end of 1980 that there was no opportunity of finding a level of agreement within Northern Ireland which would allow the setting up of a devolved government in the North that would have any chance of success. An intergovernmental approach would have the advantage that it would not be reliant upon the agreement of the parties within Northern Ireland. It may also have the advantage of sending a message to the Unionists that the British were determined to make progress and so may force them into a more accommodating stance.[55] Mrs Thatcher had suggested such an attitude shortly after coming into office in 1979. In an interview with The *New York Times* she had stated, "We will listen for a while. We hope we will get an agreement. But

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[53] See, for example, Fred Emery, 'Taking a new turn in the Irish Maze', *The Times* 13/12/80 and David McKittrick, *Irish Times*, 19/11/80.

[54] *The Guardian* 9/12/80. This cartoon is referred to by W Harvey Cox, 'Managing Northern Ireland Intergovernmentally: An appraisal of the Anglo-Irish Agreement.' in *Parliamentary Affairs* Vol. 40 No.1_Jan 1987.

[55] A point made by Mary Holland, "Mr Ulster's challenge", *New Statesman*, 20/2/81.

then the government will have to make some decisions and say, having listened to everyone, we are going to try this or that, whichever we get the most support for".[56]

However the failure of the Atkins Talks alone cannot explain a more sympathetic stance towards the possibility of an intergovernmental approach. It must be remembered that Northern Ireland had not had a devolved system of government since the Sunningdale period and, with the exception of the 1975 Constitutional Convention, there had been little serious attempt to re-establish a devolved assembly since. When the Constitutional Convention failed to find agreement the British government reverted to direct rule with an increased security dimension. The failure of the Atkins Talks therefore did not necessitate, by itself, the search for a different approach. Whilst the failure of the talks may have caused a rethink in the British Cabinet other factors must have persuaded Mrs Thatcher's government to seek improved relations with Dublin.

- *Keeping the Irish onboard over the Maze hunger strike*

A second suggested reason for the apparent positive British attitude towards Anglo-Irish co-operation in Dublin is the Maze prison hunger strike that had begun in October 1980. The hunger strike by seven republicans had increased tensions within Northern Ireland and aroused some level of international interest. It was widely believed at the time that Mrs Thatcher was very concerned to ensure that the Irish government did not adopt a critical stance in relation to the British handling of the protest or come out in favour of the hunger strikers demands.[57] To this end if Mrs Thatcher was seen to be working with Charles Haughey it would be more difficult for him to criticise her handling of the hunger strike.

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[56] Bew and Patterson op. cit., p. 112. Mrs Thatcher obviously did not mean this literally as it was certainly not the case that the most support in Northern Ireland would have been for an intergovernmental approach, or arguably for power-sharing devolution.

As Padraig O'Malley noted, "The more extravagant his (Haughey's) claims of their mutual agreements, the more trouble he would have in repudiating her intransigence should the prisoners die".[58] It was even claimed that British ministers considered it an extraordinary achievement that Haughey had not issued a statement favouring the IRA hunger strikers.[59] How realistic was this threat? The Irish government was, to some extent, hampered in this regard by its own attitude to hunger strikes. The consistent attitude of Irish governments to hunger strikes within their own jurisdiction was markedly similar to that being pursued by the British government: a refusal to negotiate with hunger strikers and allowing them to die if they persisted with the strike. To this end the failure of Haughey to declare in support of the IRA was hardly surprising, let alone extraordinary. However, whilst it was unlikely that the Irish Taoiseach would declare openly in favour of the stance of IRA hunger strikers, the British government were understandably keen to limit any possible criticism from the Irish as far as possible. The possibility of an Irish government taking a stance over the British handling of a hunger strike in Northern Ireland, which was at least implicitly critical and contrary to the actions of past Irish governments, could not be discounted. The possibility for ambiguity in such matters is illustrated by a somewhat contradictory editorial in the *Irish Times* in the run up to the summit. The paper, although critical of attempts by the opposition parties in the Dáil to force Haughey to state his government's stance on the hunger strike, was far from ringing in its endorsement of the British handling of the issue. "To be sure, Irish Governments themselves will not be blackmailed by hunger-strikers. But the Government concerned today is not an Irish Government. Britain hardly needs support from our own people".[60]

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[57] Fred Emery, *The Times* 13/12/80, Enoch Powell, "Now Mrs Thatcher's Irish question mark", *The Guardian* 15/12/80; David McKittrick, *Irish Times* 19/11/80.
[58] P. O'Malley op. cit., p.26.
[59] Fred Emery "Thatcher moves to calm Ulster fears", *The Times*, 13/12/80.

- *Security co-operation*

As well as the combination of the change in Britain's attitude given the failure of the Atkins Talks and the concerns over the hunger strike, a related third possibility is concern over security co-operation. As was noted earlier the British were, in general, pleased with the level of security co-operation that the Haughey government provided. Some in the British government, notably Mrs Thatcher herself, saw Anglo-Irish co-operation primarily in security terms. Mrs Thatcher viewed non-security interaction with Dublin over Northern Ireland as a necessary price to pay to secure the security co-operation desired. Mrs Thatcher is explicit on this point:

> "I started from the need for greater security, which was imperative. If this meant making limited political concessions to the South, much as I disliked this kind of bargaining I had to contemplate it. But the results in terms of security must come through."[61]

What level of security co-operation Mrs Thatcher envisaged in return for her "limited political concessions" is unclear. There was speculation at the time that the security issue was not just related to the situation in Northern Ireland but also to the wider issue of international defence agreements. As early as the May meeting there were rumours that Haughey was considering the possibility of suggesting a British-Irish defence pact to Mrs Thatcher in return for a federal Ireland.[62] Indeed FitzGerald claims that he later learnt Haughey was considering the possibility of calling FitzGerald and the Labour Party leader, Frank Cluskey, to a meeting to discuss the possibility of a bilateral defence agreement with the British.[63] After the Dublin summit the speculation re-emerged with reports that defence arrangements may be considered in the joint studies that had been set up.[64] Such speculation was fuelled further by the comments of Humphrey Atkins who seemed to

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[60] *The Irish Times* 27/11/80
[61] M Thatcher op. cit. p.385
[62] *The Irish Times 19/5/80*
[63] G. FitzGerald *All in a Life* op. cit., p.351.
[64] *The Irish Times*, 12/2/81

suggest that an Anglo-Irish defence pact could be a possibility.[65] All of this resulted in a heated debate within the Dáil on neutrality, as summed up in the *Irish Times* headline "Dáil uproar as Haughey accused of neutrality deal".[66] In the debate Haughey stated "unequivocally that the government are not discussing or negotiating any kind of secret agreement on defence with Britain or with any other country or group of countries". He did though claim that in the event of a satisfactory solution to Northern Ireland "we would, of course, have to review what would be the most appropriate defence arrangements for the island as a whole".[67] The fear that the two leaders were considering a defence deal was reduced somewhat by Mrs Thatcher when she stated: "A defence treaty is not a bilateral matter in any way. We belong to NATO; the Republic of Ireland is neutral. If [the Republic of Ireland] wished to discuss defence it would be, I imagine, with a much wider group of nations. It is not a bilateral matter".[68]

Whilst the possibility of a defence pact may have been of interest to Mrs Thatcher her primary concern seems to have been security co-operation in regard to Northern Ireland. It is highly doubtful whether Mrs Thatcher had the ability, or the inclination, to deliver the type of 'solution' to the Northern Ireland issue that would persuade the Irish to give up their neutral status. Throughout her time in office Mrs Thatcher's policy towards Northern Ireland and co-operation with the Irish Republic, at a personal level, appears to be driven by security concerns. The fact that Mr Haughey had shown that he was not going to be any less co-operative than his predecessor in terms of security, and the hope of increasing that

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[65] *The Irish Times* 27/2/81
[66] *The Irish Times* 12/3/81
[67] *Ibid.* For an analysis of the neutrality debate occurring in Ireland at this time see James Downey, "A View from the Summit. A benevolent neutrality", *The Irish Times* 25/2/81. Or for a more in-depth examination of Ireland's neutrality see Trevor C Salmon op. cit.
[68] *The Irish Times* 7/3/81.

level of co-operation further still, may go some way in explaining Mrs Thatcher's stance by the end of 1980.

- *Improving Anglo-Irish relations for wider purposes.*

A final possible reason for Britain's positive attitude towards Anglo-Irish co-operation is that it was, to some extent, a result of consideration of issues other than Northern Ireland. Peter Jenkins argued that as well as the Northern Ireland issue other matters would be aided if Anglo-Irish relations could be improved, specifically issues relating to Europe and reform of the Common Agricultural Policy (CAP).[69] Margaret Thatcher herself was keen to portray her discussions with Charles Haughey in a European context. There were indeed major differences between the two states, especially over CAP. However, the desire to co-operate over European issues alone would not have necessitated such a high profile Dublin summit. Whilst it is true that the British may well have desired a common stance with Dublin on many European issues, and that Anglo-Irish relations are shaped by factors other than Northern Ireland, the focus of the Dublin summit was undoubtedly Anglo-Irish relations and the Northern Ireland issue.

The effect of the Dublin summit.

As was noted above the wording of the joint communiqué issued at the end of the Dublin summit and, crucially, the apparent different interpretations placed on the summit by the two governments, led to the outcome of the summit being portrayed in strikingly different ways. The summit was seen in Dublin as a success for Haughey's stated policy of shifting the consideration of Northern Ireland onto the intergovernmental level. "Taking the terms of the communiqué, along with the weight of the British delegation in Dublin, and the

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[69] Peter Jenkins, "The Dublin policy of containment", *The Guardian*, 13/12/80.

British abandonment of any further attempts at an 'internal settlement' in the North, it would be perverse to interpret the Dublin Castle meeting as anything but a significant new departure. The context has been changed and with a vengeance".[70] Yet, commentating on exactly the same events, the *Daily Telegraph* could claim that the summit was actually an attempt by Mrs Thatcher, "to graft an Irish dimension on to the policy of full integration for Ulster in the United Kingdom".[71] It was possible to draw such diverse interpretations of the summit due to the contradictory statements issued by British and Irish ministers in the days following the summit.

The Irish government portrayed the Dublin summit as an event of major significance, with reports that "Mr Haughey and his colleagues considered (the) meeting even more significant than the discussions between Mr Heath and Mr Cosgrave".[72] In his press conference following the summit Haughey spoke of being "in the middle of an historic breakthrough" and argued that the problems facing the two governments had been placed "firmly on a new plane".[73] When asked whether the study of possible institutional structures referred to in the communiqué would concern direct arrangements between Ireland and Britain or a North/South arrangement Haughey stated: "A combination…both are possible… we set no limit on what institutions might be brought forward, might be considered, might be designed, might be conceived…" In an off-the-record briefing for Dublin political correspondents Haughey apparently went further and anticipated a future united Ireland. "In order to achieve this, the 'institutional structures'…were elevated by implication and innuendo, to 'constitutional' ones".[74] It was around this issue of

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[70] James Downey, "A view from the summit 1. The Anglo Irish Dimension". *The Irish Times*, 23/2/81. This was the first in the series of four articles on Anglo-Irish relations by Downey which were printed 23-26/3/81.
[71] *Daily Telegraph* 10 December 1980
[72] "All-Ireland plan may follow talks at Dublin summit". *The Irish Times* 9/12/80. This is a reference to the Sunningdale Conference of December 1973.
[73] *Ibid.*
[74] Arnold *Haughey* op. cit. p. 155.

'institutional' versus 'constitutional' change that the controversy regarding the meaning of the Dublin communiqué was to centre. The Minister for Foreign Affairs, Brian Lenihan, further supported this 'maximalist' interpretation by the Irish a few days later when he stated, "as far as we are concerned everything is on the table".[75] During the Dáil debate on the Dublin summit opposition parties failed to force the government to clarify whether the joint studies were to consider the constitutional status of Northern Ireland as well as institutional structures. When Garret FitzGerald inferred from Haughey's statements that the constitutional position of Northern Ireland was not under consideration, the Taoiseach retorted, "I am not accepting what Deputy FitzGerald said".[76]

The British on the other hand had a far more 'minimalist' interpretation of what had been agreed at the summit. At her own press conference after the summit Mrs Thatcher stated that she was committed to exploring whether the "unique relationships" between the two states should be given "institutional expression". She did though, in answer to a specific question, state: "I see absolutely no possibility of a confederation". She also explicitly stated that the British guarantee to the Unionists would remain and, "There is nothing for the Unionists to worry about".[77] But worry they did, with the Ulster Unionist Party leader, James Molyneaux, describing the summit as "deplorable"[78], his colleague, Enoch Powell, calling the summit "a mini Munich",[79] and Ian Paisley setting off on the 'Carson Trail'.[80] The reason for this persistent difference in interpretation was the apparent reluctance of both sides to clarify exactly what had been discussed at the summit.

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[75] *Irish Times* 13/12/80.
[76] *Irish Times* 12/12/80.
[77] *Irish Times* 9/12/80.
[78] *Ibid.*
[79] *Irish Times* 11/12/80
[80] *Irish Times* 10/2/81.

Mrs Thatcher refused to make a statement in the House of Commons regarding the summit and placed it in the context of a routine meeting with a fellow European government. "Those discussions were part of a series of bilateral discussions with our Community partners, which are regularly undertaken with Germany, France, Italy…They were not even the first bilateral discussions to be held between the Government of the United Kingdom and the Republic of Ireland. It would be wrong to make a special statement about that particular meeting."[81] Whilst there may be some logic to such a stance, it was obviously diametrically opposed to the interpretation that the Irish appeared to be putting on the meeting. As a result the British reluctance to clarify what was meant by "totality of relationships" and "institutional structures" caused alarm in some quarters. As the leader of the British Labour Party, Michael Foot, argued the day after the summit "Is there not a danger that the right hon. Lady's discussion will have one interpretation put on them in Dublin and another here in London?"[82] This is not to say that the British were silent over the constitutional versus institutional question. Mrs Thatcher did state in the House of Commons the following week that "We were not considering any specific constitutional measures".[83] However the refusal by Mrs Thatcher to discuss the summit in parliament, far from succeeding in portraying the summit as routine, was taken by many as "confirmation that something is up".[84] Whilst others claimed that this confidentiality was necessary if the joint studies were not to be hampered, the same confidentiality left an uncertainty as to the role of the joint studies. This reluctance by the British to outline specifically what it was envisaged the joint studies would conclude was interpreted by some (primarily Ulster Unionists) as indicating they were a springboard to force Northern Ireland from the Union.

The silence, coupled by the over-exuberance of the Haughey government's interpretation

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[81] House of Commons, *Debates*, vol. 995, 9 December 1980, col. 1182.
[82] *Ibid.* col. 1186
[83] House of Commons *Debates*, vol. 996, 16 December 1980, col. 210
[84] Fred Emery, *The Times*, 13/12/80

of the significance of the summit, meant that the British could not convince the Unionists that there was indeed 'nothing to fear'. The suspicion that 'institutional' was not distinct from 'constitutional', despite specific denials of this by Mrs Thatcher, persisted.[85] Indeed it was not until the following March that Brian Lenihan specifically stated that it was institutional and not constitutional matters that were under consideration in the joint studies. He was forced into making this admission when he was specifically asked if Mrs Thatcher and Humphrey Atkins had been lying when they claimed that constitutional matters had not been discussed at the summit. This was the first such admission by a member of the Irish government since the summit.[86] (Even this admission was somewhat off-set by Lenihan's assertion two days later that he hoped that the process started by the joint studies would allow for the constitutional status of Northern Ireland to be discussed in due course.)[87]

The significance of the Dublin summit.

Charles Haughey's enthusiasm for the intergovernmental approach had waned by the time the joint studies were published the following year (by which time Haughey was in opposition). Similarly the assertion that the discussion of Northern Ireland had been moved onto a 'new plane' and the oft-stated belief which accompanied this assertion that the British could no longer consider an 'internal' solution to Northern Ireland, would ring hollow in the face of the Jim Prior's 1982 'Rolling Devolution' proposals.[88]

It is not the case, however, that the Dublin summit was of no significance. At the most basic level it marked an acknowledgement by the British that it may be advisable to

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[85] See for example, *Irish Times* 13/12/80 and 7/3/81.
[86] *Irish Times* 19/3/81.
[87] *Irish Times* 23/3/81.
[88] Discussed in the next chapter.

consult the Irish in relation to Northern Ireland, something which the British had been loathe to do since the fall of the power-sharing executive in 1974. To this end Charles Haughey is both the architect and underminer of the intergovernmental approach. There can be little doubt that his very public and persistent advocating of such an approach was instrumental in bringing about the Dublin summit. Yet at the same time his over-enthusiastic reaction to it apparently caused Mrs Thatcher to become "extremely wary of …Irish Taoisigh"[89]. This 'over-selling' by the Irish government could not on its own cause the British to question the wisdom of an intergovernmental approach. Such an interpretation rests upon the premise that the British had accepted the wisdom of an intergovernmental approach in Dublin. This is far from clear. As was noted above the reasons for the Dublin summit were numerous and, to some extent, conflicting for the two governments. As O'Malley has argued the concept of an Anglo-Irish dialogue meant something different to all those who were involved in it.[90] This observation holds true for intergovernmental interaction for practically all of the 1980-1993 period. The desire to create a peaceful situation in Northern Ireland united the two governments but their prescriptions for how this could be achieved and the conflicting pressures on each government meant securing co-operation was often difficult. This lack of a shared vision by the two governments as to what they were actually engaged in meant it was unlikely that they would view the significance of the summit in the same way. What is clear though is that the summit did help to put intergovernmental co-operation back on the agenda in both London and Dublin. As a result of the Dublin summit joint studies were carried out and institutional changes to how Anglo-Irish relations were conducted occurred. Just as the 'maximalist' interpretation of the Irish government in respect of the Dublin summit does not stand close scrutiny, nor does the 'minimalist' interpretation of the British government.

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[89] G. FitzGerald *All in a Life* op. cit., p.351
[90] P. O'Malley op. cit., p. 19

The Dublin summit did not herald the start of an unbridled intergovernmental approach to Northern Ireland, but it does mark the movement of the two governments towards greater, and institutionalised, co-operation on the issue. Yet the diversity of forces impacting on the two governments did not disappear post 1980. The inter-play of the considerations of, and pressures on, the two governments needs to be borne in mind when tracing the intergovernmental relationship over the subsequent period. The actions of the two states need to be examined in the light of such factors to understand the apparent oscillation from co-operation to conflict between the British and Irish governments over the Northern Ireland issue.

Chapter 3. 1981-83 Conflict and recrimination. A return to normality?

Although the events surrounding the 1980 Dublin summit caused unease in Northern Ireland and illustrated the differences between the two governments, it did appear that the Anglo-Irish relationship was likely to be more dynamic in the early 1980s than it had been in the late 1970s. The relationship had been put on a quasi-institutionalised footing with the agreement in May 1980 to meet regularly at prime ministerial level, and the undertaking of the joint studies agreed in Dublin. Yet the two years following the Dublin summit were to be, perhaps, the most difficult in Anglo-Irish relations since the early 1970s. This period illustrates well the problems that the Anglo-Irish relationship faces. The intergovernmental relationship in these years was to run through the entire gamut of problems and strains. This period highlights the fact that the intergovernmental relationship is subject to a multitude of pressures and that the two governments face contradictory demands and expectations, which can make pursuing a co-ordinated approach to the Northern Ireland issue extremely difficult. During these two years the relationship was to be destabilised by a diversity of events. These events illustrated well the opportunities for the Anglo-Irish relationship to be undermined by happenings within Northern Ireland, on the wider international stage, and by domestic events within one or other jurisdiction.

Within Northern Ireland co-operation was problematic as a result of the 1981 republican hunger strike and the British government's latest plan to devolve government back to Northern Ireland. The international climate was dominated by the Argentine invasion of the Falklands, which, as if to demonstrate the fact that there is little in the Anglo-Irish relationship that cannot be viewed through the prism of Northern Ireland, further

undermined the ability of London and Dublin to co-operate on the issue. Co-ordinating co-operation was also increasingly difficult due to the relative instability of the Irish government during the period as Ireland had three governments in eighteen months. Whilst these episodes are, at one level, separate, each one had an impact on the Anglo-Irish relationship. Each event, whether overtly related to Northern Ireland or not, influenced the ability and willingness of the two governments to co-operate intergovernmentally on the Northern question.

The 1981 hunger strike: dealing the IRA a whole new deck.[1]

The hunger strike by IRA and INLA prisoners in the Maze prison in 1981 was to be one of the most destabilising events of the Troubles.[2] Whilst its immediate effect was to increase tension and violence within Northern Ireland, its longer-term effects were far more important. Republican prisoners had staged a hunger strike at the end of 1980 in an effort to secure political or special category status, which had been removed in 1976. This strike had ended in confusion in December 1980 with the prisoners believing the British government had agreed to change prison conditions after the strike ended. The British government subsequently failed to make the changes republicans demanded and denied any deal had been done. The 1981 hunger strike was a far more bitter and intense affair. The prisoners again were protesting for what was in effect the restoration of political status –though as the protest developed the emphasis shifted away from political status and centred upon five demands, which basically would have been the reintroduction of special category status. (The five were: the right to wear their own clothes; to free association; increased recreational facilities; more visits and letters and the restoration of the remission

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[1] This phrase was the response by Sinn Féin's Joe Austin, to the statement by Mrs Thatcher that the hunger strike was "the IRA's final card". Liam Clarke, *Broadening the Battlefield,* Dublin, 1987, p.166.
[2] For a detailed analysis of the hunger strike period see Padraig O'Malley, *Biting at the Grave* Belfast, 1990, David Beresford *Ten Men Dead*, London, 1987; and Clarke op. cit.

that they had lost during the prison protests since 1976.) What transformed the situation in 1981 was the election of the first hunger striker, Bobby Sands, to Westminster during his fast. After Sands died his electoral agent, Owen Carron, was elected in his place. The electoral successes of Bobby Sands and Owen Carron were to lead to the adoption of the 'ballot box and armallite' strategy of Sinn Fein.[3] The reaction of the nationalist community to the deaths during the hunger strikes served to increase the mistrust between the two communities in Northern Ireland.[4] In terms of the effect the hunger strike had on the Anglo-Irish relationship, in the short-term the hunger strikes, and more specifically the British handling of the dispute, led to a worsening of relations between the two states. In the longer-term, however, the result of the strike, and, more importantly the subsequent electoral rise of Sinn Féin, was to be a key factor in forcing the two governments to review their relationship. This review would contribute significantly to the decision to sign the 1985 Anglo-Irish Agreement.

The British government's handling of the hunger strike

At one level it is possible to argue that the British government, at relatively little cost, could have avoided the 1981 hunger strike. If the British had introduced the changes to the prison regime after the 1980 hunger strike, that they eventually introduced after the 1981 strike, the subsequent history of Northern Ireland and Anglo-Irish relations may well have been very different. The 1980 hunger strike had ended with no deaths and relatively little impact on the political life of Northern Ireland. By contrast the 1981 hunger strike saw ten hunger strikers die; republican prisoners and their supporters elected to the British and

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[3] As outlined by Sinn Féin's Danny Morrison to the party's Ard Fheis in November 1981. Morrison asked "Who here really believes we can win the war through the ballot box? But will anyone here object if, with a ballot paper in one hand and the Armalite in the other, we take power in Ireland?" Quoted in P Bew and G Gillespie op. cit. p.160

[4] See for example the comments of Archbishop Robin Eames quoted in P O'Malley *Biting at the Grave* op. cit. p. 163-164.

Irish parliaments; and an increase in the levels of street violence in both the North and South of Ireland. Perhaps most importantly of all the 1981 hunger strike set Sinn Féin on the path to entering the electoral arena, which was to have a profound influence on British and Irish policy formation.

Although there is confusion as to whether a 'deal' had been done to end the 1980 strike it is widely believed that a gesture from the British on the issues of clothing and prison work after the 1980 strike ended could have prevented the 1981 hunger strike.[5] Indeed a former Northern Ireland Office minister has argued, "the concessions granted to end the hunger strikes differed very little from what the prisoners would have accepted at the outset. If the NIO had thought through the consequences, and if the Secretary of State, Humphrey Atkins, had realised what was happening in the nationalist areas and convinced the Prime Minister of the need to be more sensitive, a dark passage in Britain's rule could have been avoided."[6] Once the 1981 hunger strike began it was highly unlikely the British government would make changes to the prison regime whilst the strike continued. Mrs Thatcher was adamant that there was no question of conceding special category status to republican prisoners. According to Mrs Thatcher "Crime is crime is crime, it is not political".[7] Elements within the British government appear to have failed to appreciate the implications that the hunger strike could have. Mrs Thatcher spoke of "the men of violence" who "faced with the failure of their discredited cause" chose "to play what may well be their last card".[8] Even the significance of Bobby Sands's election as a Westminster MP appears to have been underestimated by some. Speaking years after the event

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[5] It would appear that the republican prisoners themselves may have settled for this with Bobby Sands telling a priest in February 1981 that a gesture on clothing "might have been alright a few weeks ago, but not now..." Beresford, op. cit., p.78. See also Tim Pat Coogan, *The IRA*, London 1987, p.615.
[6] Richard Needham, *Battling For Peace*, Belfast, 1988, p.19.
[7] *Irish Times* 22 April 1981.
[8] *The Guardian* 29 May 1981.

Humphrey Atkins, who had been Northern Ireland Secretary of State for most of the hunger strike period, remarked:

> "It's a fearful waste of time doing that, isn't it? As the chap can't serve anyway…It's a negation of the whole democratic process to say, 'go on, you can elect anybody you like even if he can't sit there'. All that happens is that your choice is immediately disqualified and you knew that he was going to be before you started, so don't waste everybody's time".[9]

The reason the British government could afford to take such a hard-line stance on the hunger strike was that there was little pressure on them at either Westminster or from amongst the wider British public to pursue a different policy. The British Labour, Liberal and SDP parties all supported the stance of the Thatcher government. It had been a Labour government, in 1976, that had removed the special category status that the republicans were attempting to restore. When the 1981 hunger strike commenced Don Concannon, then Labour's Northern Ireland spokesman and a Northern Ireland Office minister in 1976, told the House of Commons "the Opposition agree that the Maze prison is the newest and most modern prison in the United Kingdom and...for conforming prisoners the regime is the most liberal in the United Kingdom".[10] Similarly public opinion in Britain was far from sympathetic to the plight of the hunger strikers. An opinion poll in England and Wales conducted after Bobby Sands's death showed 89% of people had no sympathy whatsoever for the hunger strikes and only 4% backed the prisoners' demands.[11] Writing in *The Guardian* the journalist Simon Hoggart argued that republicans had the misplaced

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[9] Humphrey Atkins was speaking in the context of defending the decision to change the law after Sands died to prevent prisoners standing for election. Eamonn O'Kane, MSSc. thesis op. cit.
[10] House of Commons, *Debates,* 3 March 1981. (The Labour leadership publicly maintained this stance throughout the hunger strike though there is some evidence that even Labour became concerned with events as the hunger strike continued. The Labour leader, Michael Foot, went to see Mrs Thatcher privately at a later stage and appealed to her to make concessions to the hunger strikers. M. Thatcher, op. cit., p.391.
[11] P. O'Malley, *Biting at the grave*, op. cit., p.201.

belief that the working classes in Britain silently supported them when in fact "the pubs of Britain were full of people eagerly hoping that Bobby Sands would die".[12]

Although Mrs Thatcher was adamant that there could be no concessions to republicans it is by no means clear that all her colleagues shared her view. The NIO minister, Michael Alison, had a series of meetings with the Dublin based Irish Commission for Justice and Peace (ICJP). The ICJP were a human rights group who became involved in attempts to find a solution to the hunger strike. The ICJP delegation went into the Maze on several occasions and met Michael Alison "five or six times".[13] Ostensibly Alison was not involved in negotiations with republicans via the ICJP but was involved in a process of clarification. During this process a solution seemed to have been close with the ICJP believing that Alison had agreed to granting prisoners the rights to wear their own clothes at all times, improved association and a redefinition of 'work' to include "educational, vocational and charitable tasks".[14] The initiative failed at least in part because it appears that Mrs Thatcher over-ruled Alison and refused to agree to prisoners being allowed to wear their own clothes as of right. The ICJP later stated that Alison "acted in good faith" but there had been "a clawing back on the part of the British government" on the day the NIO official was due in the Maze to confirm the details.[15] Michael Alison later made reference to the "lady behind the veil", a comment that the ICJP took as a reference to Mrs Thatcher.[16] The waters were further muddied regarding the 'not dealing with terrorists' stance when it subsequently became clear that elements of the British secret service were dealing with the external republican leadership via a channel known as 'The Mountain

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[12] Quoted in *Ibid.* p. 189-190. As the hunger strike progressed there was some movement within the British press to find a way of ending the dispute by use of concessions. See for example *The Guardian* leader, 9 July 1981.
[13] BBC, *Timewatch*, screened 13 October 1993.
[14] *Irish Times* 8 July 1981
[15] *Irish Times* 9 July 1981.
[16] P O'Malley *Biting at the Grave* op. cit., p.90

Climber'. Through this channel the external republican leadership believed they could secure more changes to the prison regime than those apparently on offer to the ICJP. This further hindered progress towards ending the dispute.[17]

By the end of July the British were letting it be known that changes would be made to the prison regime when the strike ended. As a British official put it, "We haven't exactly said they can have their own clothes but we've made it pretty bloody clear they'll get them. And there are other things we can do, the gates are open. We haven't said it, nor will we say it, but we're giving them essentially what they want".[18] The problem was that this was the position that republicans thought they were in at the end of the 1980 strike and the concessions had failed to materialise. The greater mistrust in 1981 accounts for the longevity of the strike.

It is hard to conclude that the British government handled the 1981 hunger strike anything but poorly. Although it may have appeared an important precedent that they would not make concessions under the duress of a hunger strike, as argued above, questions need to be raised regarding why they allowed themselves to become embroiled in the 1981 situation. If changes had been made after the 1980 dispute ended the situation could have been defused. Ironically these changes could, perhaps, have been less extensive than the British eventually made after the 1981 strike. If this had been done then republicans could have been denied the increased validity and support within the nationalist community that the 1981 events provided them. The 1981 hunger strike was undoubtedly one of the

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[17] For a discussion of the Mountain Climber channel see O'Malley *Biting at the Grave*, op. cit., pp.196-200, FitzGerald op. cit., p.370

[18] *Irish Times* 25 July 1981.

turning points in the history of the Troubles and Mrs Thatcher must surely be in a very small minority with her opinion that it "was a significant defeat for the IRA".[19]

The hunger strike and Dublin: a nudge and wink to secure a fudge?

The 1981 hunger strike also illustrated important aspects of the true state of Anglo-Irish relations in the early 1980s and of the attitude of the South towards the North. The hunger strike showed once again that Dublin was relatively powerless to alter British policy in Northern Ireland and claims of a newly institutionalised role for the Republic after the 1980 Dublin summit was premature. The strike also demonstrated that Dublin's residual fear that events within Northern Ireland could have a destabilising impact on the politics of the South was perhaps not misplaced.

The hunger strike posed a particular problem for the Irish government. On the one hand it was the long established policy in the South not to negotiate with hunger strikers or grant political status to republican prisoners within their own jurisdiction. When the hunger strike was originally launched it was specifically on the basis of securing political status. There could be no question of the Irish government attempting to pressurise the British to secure for the IRA a status that they themselves denied that organisation. However whilst the Irish government were certainly not supporters of the demands made by the hunger strikers there was the ever-present fear that events within the North could spill over and destabilise the Southern state. This concern was to lead the Irish to publicly refuse to support the demands of the prisoners whilst at the same time attempt to play a role in brokering an end to the dispute. Whilst the Irish would not grant republican prisoners political status it was the case that most of the five demands of the prisoners were available to similar prisoners held in the South. The Irish government were keen to see the hunger

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[19] M. Thatcher, op. cit., p.393.

strike ended and believed that a compromise might be possible whereby prison conditions were changed, perhaps for all prisoners, without conceding that this conferred political, or even special, category status. As the Irish political commentator, Joe Joyce wrote in *The Guardian*:

> "Few people [in the South] want IRA men to be treated as prisoners of war, but most accept that they are not 'criminals' in the conventional sense. The difficulty in resolving the prison status of such people has been solved in the Republic by nods, winks and flexibility. Why it is asked, time and time again, cannot Britain fudge the issue too? Why does it seem intent on confrontation?"[20]

The hunger strike came at an inconvenient time for Charles Haughey, the Irish Taoiseach. Haughey wanted to call an election in the South in May 1981 and was understandably keen that the hunger strike was over before the Irish electorate went to the polls. To this end Haughey reversed his previous stance of not meeting the families of the hunger strikers and contacted Bobby Sands's sister, Marcella Sands, on 22 April, in an attempt to get her to make a formal complaint to the European Commission on Human Rights. Marcella Sands made the complaint but the initiative collapsed when Bobby Sands refused to meet the Commission members without the external republican leadership of Gerry Adams and Danny Morrison present.[21]

Although the British government's handling of the hunger strike was ostensibly in line with Irish policy on such issues, within a few weeks of Sands launching his fast pressure was growing on Haughey from elements of his own party. Sile de Valera, a Fianna Fáil TD closely associated with the republican wing of the party along with two other TDs, who were also MEPs, Neil Blaney and John O'Connell, went to meet Bobby Sands. Afterwards the three called for an urgent meeting with either Mrs Thatcher or the Home Secretary, Willie Whitelaw, to discuss the issue. This call provoked a dismissive aside from Mrs

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[20] *The Guardian* 4 May 1981.

Thatcher who noted, "It is not my habit or custom to meet MPs from a foreign country about a citizen of the UK, resident in the UK".[22] Given that the line from London at this stage was that there was no question of being seen to negotiate on the hunger strike issue it was perhaps unsurprising that Mrs Thatcher was unwilling to meet the three TDs. However, it was, not for the first or last time, Mrs Thatcher's tone that so inflamed Irish sensibilities. As one commentator noted:

> "…already Mr Haughey's enemies have been swift to point out one lesson of the recent past. Whatever value he may put on his relationship with Mrs Thatcher, they say, his feelings do not appear to be reciprocated. The public snub to Sile de Valera, one of Mr Haughey's most critical supporters within his own party will not be forgotten. The claim to have a special relationship with Mrs Thatcher would not be something any Irish politician would want to boast about in the event of Bobby Sands's death."[23]

Although the hunger strike never led to the levels of violence in the South that occurred in the North, the issue did appear to be disrupting the Southern political scene and society.[24] Most of the violence and disruption that the South suffered was relatively trivial, but it signalled a worrying potential for the hunger strike to destabilise the Republic. The Haughey government, caught between not wanting to take a stance that could be construed as supporting republican prisoner's demands, and fearing alienating sections of the Irish electorate, attempted to face both ways. The Irish government urged a resolution to the issue on 'humanitarian' grounds but was careful to neither endorse the republican's demands nor be seen to criticise the hunger strikers. To this end Haughey offered "deepest sympathies" to the families of the hunger strikers who died stressing, "I have constantly

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[21] See Clarke, op. cit., pp.147-148 and Beresford, op. cit., p.120
[22] Quoted in op. cit. Clarke p.146.
[23] Mary Holland, 'The price of disdain', *New Statesman* 1 May 1981.
[24] Notable incidents included: 24 March an executive of British Leyland was shot in the legs at Trinity College; 23 April a H-Block supporters rally marched on Charles Haughey's home; 24 March H-Block supporters took over radio Carousel in Dundalk proclaiming it 'Radio H-Block', 27 April protesters attempted to take over the GPO in Dublin; 28 April Fine Gael offices were occupied; the following week the Labour party offices and the Stock exchange were occupied. Instances taken form the *Irish Times* March-April 1981. See also E. O'Kane, MSSc. thesis op. cit.

made known to the British Government the deep concern and anxiety felt by the Irish Government at the developing and highly dangerous situation as we saw it…".[25]

Charles Haughey's unease over the hunger strike and his fears that it could damage Fianna Fáil in the election were indeed warranted. On 19 May 1981, two days before Charles Haughey called the general election, a 250,000 signature petition calling on the Irish government to increase pressure on the British over the hunger strikes, was handed in to the Taoiseach's Office.[26] The decision by the H-Block campaign to put up candidates in nine constituencies in the Republic was to be a deciding factor in the election. Both Fianna Fáil and Fine Gael had pledged to avoid making Northern Ireland an electoral issue, but as the campaign progressed Haughey argued that the instability arising from the hunger strike necessitated a strong majority government in the Republic to deal with the crisis:

> "The violent and unstable situation in Northern Ireland, with its implication for peace and security in our jurisdiction, under-line urgently the need for a government to be elected in this general election with a good working overall majority, which will enable it to deal with the situation and meet the difficulties".[27]

As Fianna Fáil have historically been the only party capable of securing a majority in the Republic there was little doubt as to the specific meaning of Haughey's appeal. Whilst the hunger strike itself never became the primary issue in the election - once again illustrating that Southern voters, whilst concerned with Northern Ireland, vote primarily on 'domestic' issues such as the economy - the H-Block candidates secured enough votes to capture two seats, both from Fianna Fáil. As a result of losing the two seats Fianna Fáil ended up with 78 seats in the new Dáil as opposed to the combined 80 seats of Fine Gael and Labour.

The two H-Block victories almost certainly cost Charles Haughey the Taoiseach's office.

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[25] Statement issued by the Taoiseach 12 May 1981, quoted in Mansergh op. cit.
[26] *Irish Times* 20 May 1981
[27] *Irish Times* 1 June 1981

In the period after the election Charles Haughey took a somewhat more critical stance in relation to the British Government. On 29 June he called in the British Ambassador to Dublin and informed him, "In my view, a primary responsibility rests on the British Government to make an immediate effort to find a solution not only because of the situation in Northern Ireland but in the interests of future relations between our two countries".[28] This was though primarily for domestic political consumption as the Dáil was meeting that day to vote on who should be Taoiseach. Haughey was making a last ditch attempt to appeal to three independent TDs with strong Republican sympathies, Neil Blaney, John O'Connell and Sean Loftus.[29] In the event the Dáil elected Garret FitzGerald Taoiseach 81 votes to 78.

The H-Block supporters had been successful in their stated aim: to punish Charles Haughey for what they perceived was his lack of support over the hunger strikes[30]. The result of their action was to enable Garret FitzGerald, someone who had traditionally shown less sympathy with republicanism than Haughey, to become Taoiseach. Perhaps somewhat surprisingly FitzGerald at first appeared to be even more interventionist on the issue than Charles Haughey had been. As soon as he took office Garret FitzGerald pledged to make the settling of the hunger strike the first political priority of his administration.[31] Again though this stance was dictated more by domestic political concerns than any sympathy with the plight of the hunger strikers. The election had demonstrated the ability of events in the North to have repercussions on Southern politics. FitzGerald was now faced with the situation where an elected member of the Dáil, Kieran Doherty, was starving himself to death in a British prison. However, whilst he may have publicly

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[28] *Irish Times* 30 June 1981.
[29] See Peter Murtagh article, *Irish Times* 30 June 1981.
[30] Clarke, op. cit., p.167.
[31] *Irish Times* 1 July 1981.

pledged himself to ending the hunger strikes, FitzGerald did not move away from the Haughey stance of not supporting the demands of the hunger strikers. He was also careful not to take steps which could be perceived as bestowing legitimacy on those connected with the H-Block campaign (for example he refused to meet Owen Carron to discuss the hunger strike after Carron had succeeded Sands as MP for Fermanagh and South Tyrone).[32]

FitzGerald was aided in his attempt to get a solution based on a compromise over prison conditions by a statement issued by the hunger strikers on 4 July 1981. The statement refuted the allegation that they were seeking special treatment. It noted they "would warmly welcome the introduction of the five demands for all prisoners".[33] This movement away from the presentation of the dispute as being one to secure political status appeared to the Irish Government to provide a possible framework for solution. If the British announced changes to the general prison system in Northern Ireland then it could be argued they had not conceded a special status to republican prisoners and the dispute could end. Garret FitzGerald himself is clear on this point:

> "If it had been a net issue that the only way of ending it would be to give in to the IRA, then we would have stuck it out. But when it became evident in the first few days in government that it could be ended by arrangements that would not have given in to the IRA…well then it seemed reasonable to press the British on those things".[34]

There followed an intense level of diplomatic liaison between the two governments over the issue. The breakdown of the ICJP initiative, discussed above, caused particular annoyance to the FitzGerald government. The primary cause of this annoyance was the fact that the Irish believed the initiative was undermined by a channel of secret

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[32] Charles Haughey was not as restrained in opposition though and did meet Carron and went as far as to explicitly pledge support for the hunger strikers five demands. See *Irish Times* 2 September 1981.
[33] Copy of the statement held in the 'Political Collection' of the Linen Hall Library, Belfast.
[34] E O'Kane MSSc thesis op. cit.

communication between the British government and the IRA offering the IRA better terms for a settlement than the prisoners themselves had apparently agreed with the ICJP.[35] The growing frustration of the Dublin government with the British handling of the affair was illustrated by the letter FitzGerald sent to Margaret Thatcher on 10 July 1981. At this time FitzGerald was becoming increasingly concerned that the events in the Maze would lead to violence in Dublin and in the letter he expressed his concern "that a rising tide of sympathy for the hunger strikers was threatening the stability of the Republic". He urged Mrs Thatcher to use the apparent agreement negotiated by the ICJP as a basis for a settlement.[36] FitzGerald's tone in the letter appears to have been relatively strong; he specifically linked the hunger strike issue with general Anglo-Irish co-operation. He informed Mrs Thatcher that ending the hunger strikes "would restore a climate in which our efforts could again be directed to more positive and constructive endeavours in pursuance of the process initiated by her and my predecessor in December 1980".[37] (The obvious implication being that it would not be able to improve the relationship whilst the hunger strike continued). Garret FitzGerald also appears to have threatened actions which the British would have viewed far more seriously: calling into question Irish maintenance of the present levels of cross-border security co-operation. The only effect this appears to have had, however, was to antagonise Mrs Thatcher. In her reply to the letter on 15 July FitzGerald notes Mrs Thatcher "repudiated any suggestion of [British] bad faith" and, more ominously, "responding to my remarks …about the problems of ensuring security co-operation in these circumstances, she remarked that the British reaction to any suggestion of less than full co-operation in security matters would be 'sharp and bitter'". [38]

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[35] Garret FitzGerald, *All in a Life* op. cit. p. 372.
[36] Ibid. pp. 371-372.
[37] Ibid. p.372.
[38] Ibid. p.373.

As well as the attempt to pressurise the British directly the Dublin government also tried to use the Irish-American dimension. FitzGerald wrote to Ronald Reagan "to ask him, in view of the increased support accruing to the IRA as a result of the situation, which was threatening our security, to use his influence with the British Prime Minister to secure the implementation of what I described as 'an already existing understanding' mediated by the Commission for Justice and Peace".[39] Nothing was to come of this and the event served only to highlight again the traditional reluctance of American presidents to jeopardise Anglo-American relations over Northern Irish issues. FitzGerald himself acknowledges the approach to the Americans may have been counterproductive. "It was an abortive approach, which must have made the British more irritated but produced no positive result. In retrospect it was a mistake".[40] Similarly FitzGerald's attempts to enlist the help of EC states to pressure the British government bore little fruit.[41]

Although by FitzGerald's own account there had been twenty-five exchanges between the two governments in less than six weeks the striking thing is the fact that in general these were relatively private approaches, not in the public domain.[42] FitzGerald himself reduced his government's involvement in the affair at the end of July. By this time it was clear that the lobbying of the British by Dublin was having little effect and FitzGerald was outraged by the violence in Dublin on 18 July 1981 when 10,000 people attempted to march on the British embassy. The efforts by the Gardai to prevent the marchers reaching the embassy led to rioting. This spill over of violence onto the streets of Dublin was seen as instrumental in reducing the support for the hunger strikers cause in the Republic.[43]

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[39] Ibid. p.372
[40] E. O'Kane MSSc. thesis op cit.
[41] *Irish Times* 18 July 1981.
[42] FitzGerald op. cit. 375.

The effect of the hunger strikes on the Anglo-Irish relationship.

One of the most obvious effects of the hunger strike was to illustrate the relative powerlessness of Dublin to influence the British government to change its policy. Whilst Charles Haughey may have boasted of a special relationship and being conceded a new partnership status in relation to Northern Ireland, the hunger strikes were to demonstrate a very different reality. The British were undoubtedly keen to have good relations with the Irish government but, from the British point of view, internal Northern Ireland matters were clearly and simply that: internal matters. It is clear that the attempts by the Irish government both under Charles Haughey and Garret FitzGerald to try and persuade the British to deflate the issue by making changes to the prison regime were to no avail. The episode again demonstrates that in the early 1980s the Irish input into how the British government conducted its Northern Ireland policy was purely dictated by the prevailing attitude of the British government itself. During the hunger strike period the Irish government invoked almost all of their 'tools' to influence the British: private representation and intergovernmental contact, international opinion and threatening to reduce security co-operation. Yet there is little evidence that any of these made an impression Mrs Thatcher or her policy.

Arguably the one tool not invoked by the Irish was outright public criticism of the British government and breaking off diplomatic channels with the expulsion of the British Ambassador (a step the H-Block Committee called on Garret FitzGerald to take). This was not carried out for at least three reasons. Firstly to take such a step could have been seen as an endorsement of the demands of the hunger strikers and neither the Haughey government or the FitzGerald government were willing to go so far and legitimise the stance of the IRA. Secondly there is nothing to suggest that such an action would have advanced the

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[43]See Clarke op. cit., p.182 and O`Malley op. cit., p150.

settlement of the hunger strike at all. The tools that the Irish had attempted to use had yielded no results. As FitzGerald noted in regard to his decision to back away from the hunger strike issue "There was simply nothing to be gained by pressing the British government any further; we should just have to live with the consequences of the way they had handled the situation…".[44] The final reason why the Irish government were unwilling to escalate the dispute with the British over the hunger strike issue was that although there may have been frustration in Dublin over the British handling of the affair it needed to be kept in perspective. The issues of concern to Dublin in the context of Anglo-Irish relations were much broader than a dispute over how prisoners were detained in the Maze. There was a growing concern amongst policy makers in Dublin that the deteriorating situation in Northern Ireland could have implications for their own stability. The hunger strikes and the resultant rise of Sinn Féin exacerbated these fears during the early 1980s. As a concomitant to this Dublin felt that improved Anglo-Irish relations were more important than ever if the apparent increase in support for militant republicanism was to be addressed. Dublin was faced with the ironic reality that the hunger strikes, which had led to deterioration in Anglo-Irish relations, illustrated why Anglo-Irish relations had to be improved. As a result there was little point in Dublin taking actions that would further exacerbate relations with London, the very relationship that the Irish increasingly believed they needed as the main vehicle to address their analysis of the problem. This explains why, even at the height of the hunger strikes, efforts were taken to ensure the issue would not derail wider Anglo-Irish relations. During the protest the two Cabinet Secretaries Dermot Nally (Irish) and Sir Robert Armstrong (British) met to prepare the ground for a future summit -eventually held in November 1981.[45] This is not to say that the hunger strike issue had no lasting influence on Anglo-Irish relations. The irritation felt by Charles

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[44] G. Fitzgerald op. cit. p. 375.
[45] *Ibid* p.375

Haughey over Britain's handling of the hunger strike may have been a contributory factor in the Irish stance over the Falklands conflict. The exasperation of the Irish government with the British stance over the hunger strike was to be mirrored the following year by British exasperation at the Irish stance over the Falklands.

The Falklands: tweaking the British lion's tail? [46]

The Taoiseach's door revolved once more in February 1982 returning Charles Haughey to office as head of a minority government. This meant that another election in the relatively near future was highly likely. It is against this background of leading a minority government that the actions of the Haughey government in relation to the Falklands conflict must be set.

In the initial aftermath of the Argentine invasion of the Falklands on 2 April 1982 the Irish Government agreed with the nine other states of the EEC to impose economic sanctions against Argentina. Two days after the invasion the Irish representative at the United Nations, Noel Dorr, spoke in favour of the resolution calling for Argentina to withdraw from the Falklands.[47] However a month later the Irish were to call for the ending of economic sanctions and used their position as a member of the Security Council to call for an "immediate" meeting of that body to review the situation. (Ireland had been elected to the Security Council for a two-year term in 1981.) This change of tack and the perception that the Irish were seeking to undermine international support for the British position was to cause a great deal of bad feeling between London and Dublin. Garret FitzGerald, then opposition leader, told the Dáil that the government's actions were "damaging...perhaps

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46 Ronan Fanning claims there has been a tendency periodically to fall back on simplistic "anti-British rhetoric whenever the mood suits us and never resisting the temptation to tweak the British lion's tail." Ronan Fanning "The British Dimension", in, *Ireland*: Dependence and Independence. RTE/UCD Lectures. The Crane Bag, Dublin 1984.

irretrievably, so far as this Government are concerned, our relationship with Britain…"[48] The immediate catalyst for this change in stance was the sinking of the Argentine ship *The Belgrano* by the British, on 2 May. In reference to this incident Ireland's Minister of Defence, Paddy Power, stated "We felt that Argentina were the first aggressors. Obviously Britain themselves are very much the aggressors now". The Minister went on to explicitly link the issue to the situation in Northern Ireland stating only a withdrawal of British troops "from the little island of ours" would bring peace to Ireland.[49] Whilst Charles Haughey claimed that, "it was a personal statement by the Minister for Defence and does not represent Government policy," he pointedly did not rebuke Paddy Power for the comments and refused calls for his dismissal.[50]

Such anti-British rhetoric led to expressions of anger by some members of the House of Commons.[51] The British government was, however, very careful not to have a public spat with the Irish. A spokesman for the British Foreign Office when asked about the Irish stance after Power's comments and the call for an end to sanctions stated, "It would be much better if we did not comment".[52] The strongest public comment from the British side was the assertion of the NISS, Jim Prior, to the House that "We have been disappointed by the Irish Government's attitude in recent weeks…"[53] Privately though it was reported that Mrs Thatcher was furious over Ireland's stance. One British government source apparently claimed in regard to the deterioration in the Haughey-Thatcher relationships

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[47] *Irish Times* 5 April 1982
[48] *Parliamentary Debates. Dáil Éireann*, 18 May 1982. vol.334, col. 1430.
[49] *Irish Times* 4 May 1982.
[50] *Parliamentary Debates. Dáil Éireann*, Vol 334, 4 May 1982, col. 36-37.
[51] See for example House of Commons, *Debates* 10 May; 24 May; 27 May; and 29 July 1982.
[52] *Irish Times* 6 May 1982
[53] House of Commons, *Debates*, Vol. 26, 1 July 1982, col. 1026.

since the May 1980 summit "If he was to turn up tomorrow with a silver coffee-pot she's likely to crown him with it".[54]

Why then did the Irish government's stance on the Falklands alter? The Irish Government claimed that the escalation of the dispute into a military conflict meant that due to their neutral status Ireland could no longer support sanctions. Once military engagement occurred, according to Haughey's interpretation, the continuation of sanctions would have meant that the EEC was complementing military action. Haughey informed the Dáil that, "As a neutral country, we are not prepared to back military action. Nothing in our EEC obligations requires us to give such a backing. We consider that it would be inappropriate for these measures to remain in force if they were being applied or seen to be operating so as to reinforce a military solution to the crisis rather than to promote a diplomatic and negotiated settlement."[55] The accuracy of Charles Haughey's interpretation of the obligations and necessities of Irish neutrality was questionable on two counts. Firstly Ireland had in the past supported sanctions after military conflicts had arisen and indeed Ireland had actually endorsed the EEC sanctions after hostilities started on 2 April.[56] Garret FitzGerald claimed that from the time of Eamonn de Valera, "Irish policy was then, and has since remained…that economic sanctions are an appropriate action for our country to take as part of measures designed to deal with acts of aggression and to continue during subsequent hostilities".[57] The second reason why the invocation of neutrality as a defence for Ireland's altered position was questioned was due to the fact that from the start there appeared to be little doubt that conflict was highly likely. The claim that it became impossible to continue to support the sanctions after the British launched military action is

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[54] David McKittrick, 'Anglo-Irish relations at lowest ebb for year', *Irish Times* 18 May 1982. Similar sentiments were expressed in *The Economist* 29 May 1982.
[55] *Parliamentary Debates. Dáil Éireann* Vol. 334, 11 May 1982, col. 802.
[56] Trevor Salmon op. cit. p.272.

hard to accept given that the sanctions were imposed after the British Task Force had set sail for the Falklands.[58] Haughey did attempt, rather unconvincingly, to get around this point by claiming that when it was dispatched "the British Task Force was on what appeared to be a blockade mission,"[59] an interpretation of the Task Force's role that few commentators seemed to have shared when it departed.

Whether the sanctions did compromise Irish neutrality or not, it is difficult to refute Garret FitzGerald's other accusation that the Haughey government's actions over the Falklands was "riddled …with inconsistencies and contradictions".[60] Dublin's Falklands policy appeared to be constructed on the hoof, or as the leader of the Irish Labour Party, Michael O'Leary, put it in the Dáil, "an excessive reliance on improvisation".[61] Confusion surrounded when the Irish Government were seeking an end to the sanctions, at one time apparently calling for the sanctions to be ended immediately, and later calling for them to end after the original sanctions elapsed on 17 May.[62] Haughey's government was also criticised for the "extraordinary omission" of a call for Argentine withdrawal from the Falklands in the Irish proposal to the UN.[63] In the end the machinations of the Irish at the UN and EEC was to have little effect other than to strain relations with Britain. In the event there was no UN resolution calling for a cease-fire and the EEC did renew the sanctions, though Italy and Ireland refused to agree - a somewhat symbolic stance as both countries did agree not to violate the EEC sanctions.

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[57] *Parliamentary Debates. Dáil Éireann* vol. 334, 18 May 1982, col. 1427-1428.
[58] *Irish Times*, 7 May 1982.
[59] Ibid.
[60] *Parliamentary report. Dáil Éireann*, 11 May 1982, vol.334, col. 806.
[61] Quoted in Norman MacQueen, 'The Expedience of Tradition: Ireland, International Organization and the Falklands Crisis', *Political Studies*, (1985) XXXIII, p.48.
[62] See *Parliamentary Report. Dáil Éireann,* 4 May and 11 May.
[63] Dennis Kennedy, 'Ireland unilateral move takes the UN and EEC by surprise', *Irish Times* 5 May 1982

If the conflict between neutrality and sanctions is not a satisfactory explanation of the Irish stance over the Falklands, other explanations must be sought. Why would the Irish take actions that were bound to antagonise their relationship with Britain? Economic explanations cannot account for the stance. As Austin Deasey of Fine Gael told the Dáil: "Economically our stance is suicidal". Ireland's trade with Argentina amounted to only £15.5 million per annum (£9.5 million exported to Argentina, £6 million imports) as opposed to the £4,500 million of trade between Britain and Ireland per annum.[64] (Indeed statements from Haughey that Ireland would not break the sanctions and would "go along with whatever our Community partners decide"[65] were somewhat superfluous as all Irish exports to Argentina went via Britain.[66]) Once again domestic considerations and the Northern Ireland issue offer the most persuasive explanations of the Irish stance towards British policy.

As was noted above Haughey was at the time of the Falklands dispute leading a minority government. In this regard he was reliant on the support of independent TDs to retain power. One theory in this regard is that Haughey's more anti-British stance can be accounted for by his need to retain the support of independent TDs with republican sympathies, such as Neil Blaney.[67] Garret FitzGerald told the Dáil that Neil Blaney had claimed to have, "succeeded in influencing the Taoiseach back towards the sterile path of verbal republicanism…"[68] Another suggested reason was that Haughey took the more critical anti-British stance in order to protect himself from a leadership challenge from within Fianna Fáil.[69] The fact that the Haughey government was a minority administration

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[64] *Irish Times* 1 June 1982.
[65] *Parliamentary reports. Dáil Éireann*, vol. 334, 4 May 1982, col. 39.
[66] T Dwyer, *Charlie*, p.163-164.
[67] Op. cit. Arnold, p. 192. See also *The Times* 8 October 1982 for similar sentiments.
[68] *Irish Times* 26 March 1982.
[69] Anthony Coughlan, *Fooled Again*, Dublin, 1986, p.62 and N. MacQueen, op. cit., p. 54.

undoubtedly limited its room for manoeuvre. To suggest, however, that the Irish government's foreign policy was entirely dictated by the party's republican wing, over-simplifies the interaction of the three events that shaped the Anglo-Irish relationship at this time. The hunger strikes and Rolling Devolution plan (discussed below) are directly inter-linked. By 1982 Charles Haughey appears to have become increasingly frustrated with the reneging by the British government on the agreement he believed he had secured in December 1980 to be of consulted over Northern Ireland.[70] The Falklands spat can be seen as an expression of this frustration rather than an unavoidable consequence of Ireland's neutrality. If Mary Holland was right when she claimed Charles Haughey "is by nature a man who expects some return for his courting"[71] his perceived rejection by Mrs Thatcher over both the hunger-strike and the Prior plan may well account for his more vociferous anti-British stance. This is not to suggest that Charles Haughey was behaving as a petulant thwarted suitor; rather he appears to have made a judgement that "if the special relationship is not going to pay any dividends, he would do better to exploit the strong anti-British sentiments among Fianna Fáil's supporters".[72] The Falklands stance had, from Haughey's point of view, the advantage that, as *The Guardian* observed, it "provided Ireland with the opportunity to demonstrate to Britain the value of a special relationship in the two forums in which she has international influence, the UN Security Council and the EEC".[73] Whilst it may not be the case that elections were won by 'Brit-bashing', there is

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[70] A fourth issue was also complicating Anglo-Irish relations at this time: the setting of EEC farm prices. Haughey at times appeared to be suggesting that a solution to the farm prices issue could lead to a more accommodating stance by the Irish on the Falklands dispute. At the end of a Dáil debate on the Falklands Haughey mentioned "for the information of deputies" that discussion on the farm price issue was still continuing (*Irish Times* 28 May 1982). A few days before he had told RTE that although the two issues were theoretically separate, the fact that they were on the table at the same time meant they impinged upon each other (*Irish Times* 14 May 1982). This admittedly far less than explicit linkage of the two issues further undermines Haughey's claim that his government's stance was a result purely of the conflict between neutrality and armed conflict.

[71] *New Statesman* 30/5/80.

[72] *Economist,* 29 May 1982.

[73] *The Guardian,* 19 May 1982

also little to suggest that any Fianna Fáil leader was damaged by being seen to take a tough line in relation to the British.

Rolling Devolution: Conceivably the last variant of a devolutionist strategy. [74]

The third inter-connected event of the early 1980s that was to strain Anglo-Irish relations was another British attempt to secure devolved government for Northern Ireland. James Prior, who replaced Humphrey Atkins as NISS on 13 September 1981, decided "within a few weeks of arriving in Northern Ireland…a fresh political initiative was urgently needed to bridge the gap between Catholic and Protestants".[75] His predecessor had had little success in launching a new initiative towards devolution. Prior at his first Northern Ireland question time in the House of Commons officially dropped the final attempt Atkins had made in July 1981 when he announced, "I do not intend to proceed with the establishment of the proposed Northern Ireland Council at present".[76].

James Prior's own plans were somewhat more ambitious than Atkins's rather unimaginative proposed shadowing body. The Prior plan centred upon the idea of 'Rolling Devolution', a concept first suggested by Brian Mawhinney in July 1980[77]. Prior proposed a new 78 member Assembly elected by proportional representation that in the first instance was to simply shadow the work of the Northern Ireland Office departments. Prior hoped that as the members from the various parties co-operated in this monitoring role they would "gradually get used to the idea that they could work together."[78] In this respect Prior's plan was based on the hopeful premise that, unlike in the old adage, familiarity

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[74] Paul Bew and Henry Patterson, *The British State and the Ulster Crisis*, op. cit. p.123.
[75] *Ibid.* p. 189
[76] House of Commons, *Debates*, Vol. 10, 29 October 1982, col. 985. The Council Atkins proposed was to be a 50 member body appointed by the Secretary of State "composed of people already elected by the voters of Northern Ireland to other representative bodies – to this House, to the European Parliament and to the 26 Northern Ireland district councils." (House of Commons, *Debates*, vol.7, 2 July 1981, cols. 1029-1030.)
[77] Michael Cunningham, *British Government Policy in Northern Ireland 1969-1989*, op. cit. p.147.

would breed consent. As a level of understanding and agreement emerged the Assembly could apply to the NISS for certain powers to be devolved to an executive. The pre-requisite for this was the support of 70% of the Assembly. This was a device aimed at protecting the position of the minority and ensuring that the Assembly would not exercise power on the basis of simple majority rule. Prior also allowed for the provision that the Secretary of State could recommend to Parliament the transfer of power even if the 70% hurdle was not reached as long as the NISS was happy that the proposals had general cross-community support. However, contrary to what is sometimes claimed, the Prior plan did not theoretically necessitate a power-sharing executive. James Prior was quite explicit on this point telling the House of Commons that the only criteria was cross-community support, "that does not have to be achieved by a power-sharing executive".[79] The White Paper states clearly that, "It will be for the Assembly to consider and report on how powers should be exercised".[80] Whilst in theory it could have been possible to construct a non power-sharing executive the chance of this was, in reality, nil. The reason for this was simply that the SDLP would never have countenanced such an arrangement and the need for cross-community support effectively gave that party a veto on the creation of an executive.

The Prior White Paper outlining his plans for a system of Rolling Devolution was published on 5 April 1982, three days after the Argentine invasion of the Falklands. Whilst the timing was far from ideal (the Home Secretary, William Whitelaw, had urged him to delay the proposals[81]) it was the content, or lack of it, that was to prove contentious.

The Prior plan, like any proposal for Northern Ireland, came up against the problem of

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[78] James Prior, *A Balance of Power*, op. cit. p.195.
[79] House of Commons, *Debates*, vol.21 5 April 1982, col. 700.
[80] *Northern Ireland: A Framework for Devolution*, HMSO, Cmnd 8541. Para. 64 (V)
[81] Prior op. cit. p.198

conflicting expectations and priorities between the two traditions in Northern Ireland and, perhaps even more problematic for Prior, divisions within the British Government and ultimately between the British and Irish governments. Whilst Prior may have had the advantage of being a heavyweight on the British political scene and the highest profile Northern Ireland Secretary of State since Willie Whitelaw, he was handicapped by his poor relationship with the Prime Minister. He himself acknowledged that there was a belief that Mrs Thatcher posted him to Northern Ireland "to get rid of me from the centre of government".[82] Though other senior members of the Cabinet, notably Whitelaw, the Defence Secretary, Francis Pym, and Humphrey Atkins, were supportive of Prior's proposals, Margaret Thatcher and the Lord Chancellor, Quintin Hailsham, were far from convinced. Prior claims that in Cabinet discussion Margaret Thatcher "made her views abundantly clear, saying that she thought it was a rotten Bill…" Prior largely puts Mrs Thatcher's stance down to the influence of her Parliamentary Private Secretary, Ian Gow. "No one should be under any illusions about the part that Gow played in trying to undermine the Bill and all that I was seeking to do. He was seen conferring with the right wing of the party and tipping the wink to the Official Unionists that the Prime Minister was not in favour of it. I regard it as a disgraceful episode and not one which helped towards peace in Northern Ireland that he and we were seeking".[83] Jim Prior's analysis of the stance of Mrs Thatcher and the influence of Gow was confirmed by Mrs Thatcher herself when she noted in her memoirs, "Ian Gow, my PPS, was against the whole idea and I shared a number of his reservations".[84]

The reluctance of the Unionists to embrace a plan that seemed to be designed to force them to co-operate in government with the SDLP was hardly surprising - Prior's theoretical

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[82] *Ibid.* p.171
[83] *Ibid* p.199

observation that a power-sharing executive was not necessarily essential notwithstanding. Since the failure of the Sunningdale plan in 1974 Unionists had, in general, set their face against power-sharing in any guise. Whilst the DUP welcomed the plan on the grounds that it was a step towards devolved government, the UUP, divided as it was between integrationists and devolutionists, were very half-hearted in their attitude to the proposals and their participation in the subsequent Assembly was marked by periodic boycotts.[85] The attitude of the Prime Minister, the SDLP and the Irish Government, however, can all be explained in relation to the other issue which was a legacy of Sunningdale: the Irish dimension.

For Margaret Thatcher the legacy of Charles Haughey's 'over-selling' of the December 1980 summit had made her reluctant to grant too high a profile to the Irish government in relation to Northern Ireland. The issue of what had been agreed between the two leaders in 1980 was once more a matter of public debate and recrimination between London and Dublin. The Irish Government under Haughey claimed that there had been a lack of consultation by Prior with Dublin over the plans. The forthright criticism of the Prior plans by the Haughey government and the complaints about the lack of consultation led the British to take the very public step of calling in the Irish Ambassador. Douglas Hurd, then a Minister of State at the Foreign Office, called in Dr. Eamonn Kennedy to stress that Britain did not consider itself obliged to consult Dublin on matters relating to Northern Ireland.[86] Mrs Thatcher underlined this very publicly in the House of Commons two days later. "My right hon. Friend the Minister of State, Foreign and Commonwealth Office, made it perfectly clear to the Irish ambassador that no commitment exists for Her

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[84] Margaret Thatcher op. cit. p.394
[85] For a full examination of the creation and workings of the Assembly see Cornelius O'Leary, Sydney Elliot and R A Wilford *The Northern Ireland Assembly, 1982-1986,* London, 1988.
[86] *Irish Times* 28 July 1982.

Majesty's Government to consult the Irish Government on matters affecting Northern Ireland. That has always been our position. We reiterate and emphasise it, so that everyone is clear about it."[87]

The Irish for their part continued to claim that a right of consultation had been granted at Dublin Castle. In a statement the Irish referred to the Dublin communiqué and claimed, "In the light of this agreed statement and many other similar ones it is difficult to find any justification for the recent British claims that there was no commitment on the part of the UK Government to consult with the Irish Government on matters affecting Northern Ireland".[88] Once again the ambiguity and confidentiality of the events in Dublin Castle were causing strains in the Anglo-Irish relationship.

The deterioration in the personal relationship between Mrs Thatcher and Charles Haughey cannot, on its own, account for the apparent lack of consultation between London and Dublin over the rolling devolution plans. For most of the period when the plans were being drawn up it was Garret FitzGerald, not Charlie Haughey, who occupied the Taoiseach's office.[89] Garret FitzGerald had had a relatively harmonious summit with Mrs Thatcher in November 1981 (see below) and had launched a 'constitutional crusade' to make the South more secular and so less threatening to Ulster Unionists. Such considerations did not seem to have led to the British placing much weight on his desire for an effective Irish dimension or to Jim Prior consulting with FitzGerald's administration to any great degree. Whilst he was less vociferous in his opposition to the Prior plans it is the case that Garret FitzGerald was concerned about the proposals. To this end he wrote

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[87] House of Commons, *Debates*, 29 July 1982, vol.28, col. 1225.
[88] *Irish Times* 30 July 1982.
[89] The general election was held in the Republic on 18 February 1982 but the Dáil did not elect Charles Haughey Taoiseach until 9 March.

'privately' to Jim Prior weeks before the White Paper was published urging him to give greater consideration to the Irish dimension.[90] Given that this took place after the election but before the Dáil vote on who would be Taoiseach it may again be at least in part a play for votes in the Dáil. What does seem clear though is the frustration within both Garret FitzGerald's administration and especially in the subsequent Haughey government at the lack of consultation and absence of what they regarded as an effective Irish dimension.

The White Paper itself has very little to say on the Irish dimension. It merely "welcomes the significant improvement in relations between the two countries in recent years" (paragraph 22) and states, "Relations between the United Kingdom and the Republic will in general continue to be conducted within the ambit of the Council" (paragraph 24).[91] The reason that this 'lack' of an Irish dimension was to prove so divisive is that during the consultation period Jim Prior appeared to be contemplating a more institutionalised role for Dublin. There had been speculation since the 1980 summit that a parliamentary tier would be added to the Anglo-Irish Intergovernmental Council, formally created in 1981. This was one of the main objections of the Ulster Unionist Party who claimed that the Assembly was simply a mechanism to provide a body from which the Northern Ireland representatives to the parliamentary tier could be drawn. In the run up to the Republic's February 1982 general election, Garret FitzGerald had stated that, the "next steps to be taken in the Anglo-Irish framework will be the establishment of Parliamentary and Advisory Councils"[92] and Charles Haughey had also called for its creation[93]. There is no doubt that such a proposal was contained in the earlier drafts of the White Paper. At a meeting to discuss the proposals with the Ulster Unionist Party in mid-March, Jim Prior

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[90] *Irish Times* 1 March 1982.
[91] *Northern Ireland: a framework for devolution*. HMSO Cmnd. 8541
[92] *Irish Times* 12 February 1982
[93] *Irish Times* 10 February 1982

read a draft of the White paper to the UUP. The draft stated, "The Parliamentary tier would be set up between the Republic and the UK in which representatives from Westminster, The Dáil, The European Parliament and the political parties from the Assembly would participate". The UUP claim that when pressed on why the government had reversed their earlier stance that the parliamentary tier was a matter for the two parliaments not the governments, "The Secretary of State admitted that it was included because the SDLP had so demanded". [94] By the time the White Paper was published the parliamentary tier was once again a matter "for the parliaments concerned to consider".[95]

The official line taken by Jim Prior was that the Irish dimension was not being watered down or reneged upon since it was now dealt with through the mechanism of the Intergovernmental Council. Prior claimed the White Paper was concerned with trying to bring about internal devolution to Northern Ireland, a separate issue. As he explained to the House of Commons during the second reading of the Bill:

> "…the reason why the Bill does not deal with the Anglo-Irish Intergovernmental Council is that these are not matters on which any further legislation is required. The Anglo-Irish Intergovernmental Council is already established. There is already statutory provision in the 1973 Act enabling a Northern Ireland Administration to reach bilateral agreements with the Government of the Republic on transferred functions if they so wish. Hon. Members interested in the proposed interparliamentary body will appreciate that an elected Northern Ireland Assembly would provide an opportunity for a valuable Northern Ireland input to any such body on which this House and the Dail may agree. In that respect the proposals are complimentary and not alternatives to the Government's policy of maintaining sensible, and indeed, close arrangements for co-operation with the Republic".[96]

This idea that there was now a formal "delinking" of the two traditional elements seen as comprising the basis of any solution, a devolved (presumably power-sharing) administration in Northern Ireland and an Irish dimension, has a logical appeal.

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[94] Taken from a UUP statement reprinted in *The Irish Times* 16 March 1982.
[95] Cmnd 8541 op. cit. para. 23
[96] House of Commons, *Debates*, Vol. 23, 10 May 1982, col. 473.

Discussion of an Irish dimension alienated Unionists and made them less likely to agree to work with the SDLP to find an acceptable form of devolved government. At the same time the SDLP would not accept any purely 'internal' settlement that ignored the Irish dimension. If the two issues could be separated, so the argument went, progress on both fronts was more likely. In his review of the various attempts to broker a solution for the Northern Ireland problem David Bloomfeld claims under the Prior plan:

> "the Irish dimension was now a matter for the two governments to consider through the Anglo-Irish Intergovernmental framework, and was no longer directly on the local agenda…The new strategy was now based on the assumption that the Unionist veto might remain uninvoked in a straightforward discussion of power-sharing, while any nationalist veto might also be avoided if they knew, via Dublin, that the Irish dimension was being addressed in a different arena."[97]

However, this argument is flawed for three reasons. Firstly, on a purely practical point, it would be virtually impossible to 'separate' the two issues to the extent that would be necessary to create the situation Bloomfield envisaged. The Unionists would not discuss power-sharing if it were obvious that an increased Irish dimension was being discussed on a separate parallel track. If the SDLP were to be reassured that the Irish dimension was on the agenda they would have to know about it so it would have to be evident that an Irish dimension was being given serious consideration, which in turn would alienate the Unionists. The two spheres could not be separated to a satisfactory extent; there would inevitably be 'leakage' between the two forums.

Secondly, for this to be a coherent policy it required that both the British and Irish Governments be party to the arrangement. The Irish had to feel that the intergovernmental plane was being fruitfully and seriously utilised by the two governments. This was clearly not the case in respect to the Prior plan. The Irish Governments of both Fine Gael and Fianna Fáil complained about the lack of an Irish dimension in the White Paper. If Prior

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[97] David Bloomfield *Peace Making Strategies in Northern Ireland*, London 1997, p.36.

was correct that the intergovernmental relationship was adequately catered for in the Intergovernmental Council, the message appears not to have reached the Irish Government. David Bloomfield claims the separation was effective in so far as it allowed the Irish Government to reassure the SDLP that the Irish dimension is being addressed in a different arena; hardly the case in this instance. A joint statement issued by the Irish Government and the SDLP damningly noted "Both sides considered that the proposals as they were emerging were unworkable. They found them deficient in that they concentrated on the details of an administration in Northern Ireland without due regard for the broader dimension of the problem".[98]

The third and more fundamental reason why the argument that the Prior plan was an attempt to de-link the issues of devolved government and the Irish dimension is unsustainable is that, by his own admission, Prior wanted to address the Irish dimension in the White Paper. Prior understandably put the best gloss he could on the White Paper, claiming that the Irish dimension was a separate issue, but in reality he had been forced by Mrs Thatcher to remove his proposals for a much stronger Irish dimension:

> "…although the suggestions which I had made for greater co-operation with the Republic of Ireland fell well short of the arrangements which had been agreed at Sunningdale between the British and Irish Governments in 1973, they were far too much for her. She insisted that a separate chapter on Anglo-Irish relations in my draft should be scrapped, and a less positive version incorporated at the end of the chapter on 'The two identities' in Northern Ireland".[99]

Mrs Thatcher confirms this in her own memoirs noting "before publication, I had the text of the White Paper substantially changed in order to cut out a chapter dealing with relations with the Irish Republic".[100] Whilst it is unknown exactly what Jim Prior had wanted to include in regard to the Irish dimension, as noted above it seems likely that at

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[98] *Irish Times* 23 March 1982
[99] J Prior op. cit. p. 197.
[100] M. Thatcher op. cit. p. 394

least an inter-parliamentary body was envisaged. Such a proposal along with a more forthright statement on the importance of the Anglo-Irish relationship could well have been enough to mute the criticism of the Irish government and made it difficult for the SDLP to boycott the Assembly. It is obviously impossible to be sure that this would have been the case but it is clear that by failing to address the Irish dimension in any recognisable form Prior's plan was unlikely to achieve its goal of achieving devolved government for Northern Ireland. Mrs Thatcher's opposition to the Irish dimension was not surprising given her apparent Unionist instincts, the influence of Ian Gow and Enoch Powell, and her mistrust of Charles Haughey; but it was counter-productive. The result of the exclusion of the Irish dimension was that the Prior plan was stillborn. It did not even have the advantage of being welcomed by the Unionists. Enoch Powell claimed it was "a deliberate conspiracy to keep the Province in turmoil until it can be disposed of" and Molyneaux questioned why a devolved system of government was necessary at all.[101] Prior himself acknowledges that the Assembly was undermined from the start as a result of divisions within the British Government over the plan. It would, he claims, have been better to have "taken on the Unionists" and been "more generous to the Nationalists".[102] It further worsened Anglo-Irish relations (dealt a second blow at the same time by Haughey's Falklands stance) with the Irish effectively breaking off negotiations with the British when Haughey refused Prior's request for a meeting in September.[103]

Ironically the only group who appears to have benefited, at least in the short term, from the creation of the Assembly were Sinn Féin. In the elections for the Assembly held in October 1982 Sinn Fein contested a Northern Ireland-wide election for the first time and secured 10.1% of the vote, against 18.8% for the SDLP, leading to fears that Sinn Fein

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[101] House of Commons, D*ebates*, vol.22, 28 April 1982, cols 874-875.
[102] J. Prior op. cit. p. 199.

may ultimately replace the SDLP as the voice of Northern Nationalists.[104] The Assembly itself was to limp on, never attended by the SDLP, and was finally wound up in June 1986 when it became a forum for Unionist protest against the Anglo-Irish Agreement.[105]

Hope amongst the gloom?

The two years following the December 1980 summit may well have been fractious times in the Anglo-Irish relationship but nestled between the lows of the hunger strike and the Prior plan/Falklands problems was a relatively successful summit in November 1981. It was at this summit that the joint studies, set up after the Dublin summit in December 1980 were discussed. In the meantime, as noted above, Garret FitzGerald had replaced Charles Haughey as Taoiseach (July 1981). The studies themselves were divided into five areas: possible new institutional structures; citizenship rights; economic co-operation; measures to encourage mutual understanding and security issues. It was decided at the summit that all the reports, with the exception of the security study, should be published.[106] The main reason for this was to try and deflate some of the more excessive speculation that had surrounded the run up to the studies in the post Dublin summit days. The studies themselves were a relatively workmanlike exercise that contained nothing especially controversial. *The Times* leader went so far as to claim the result of the studies "looked rather meagre".[107] The most 'political' of the studies was the one dealing with possible new institutional structures. It was this area which had caused the most concern for the Unionists when it was announced. The main proposal in the study that the two governments enacted was the establishment of the Anglo-Irish Intergovernmental Council.

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[103] *Irish Times* 10 September 1982
[104] P. Bew and G. Gillespie op. cit. p. 165. This strong electoral showing by Sinn Féin decreased the likelihood that the SDLP would feel in a position to drop its boycott and attend the new Assembly.
[105] See C. O'Leary, S. Elliot and R A Wilford op. cit. for a fuller discussion of the life of the Assembly.
[106] *Anglo-Irish Joint Studies*, HMSO, London, November 1981. Cmnd. 8414
[107] *The Times*, 7 November 1981

The study suggested that the Council should "have flexible characteristics permitting it to subsume many of the existing patterns of contact between the executive branches of Government…" and advised that the Council should meet at Heads of government level "once or twice a year".[108]. The study also suggested that a secretariat be created, though this was to be a loose arrangement only necessitating that "each Government should designate an official to act as Secretary of the Council and each of the two Secretaries would be responsible for ensuring the provision of a secretariat for the activities of the Council".[109] (These nominated secretaries were later confirmed at the first meeting of the Anglo-Irish Council, 20 January 1982, as the two Cabinet Secretaries, Sir Robin Armstrong for the British and Dermot Nally for the Irish.[110] This mechanism and these two individuals were later to play a vital role in the negotiating of the 1985 Anglo-Irish Agreement).

The studies also examined the institutionalising of two other tiers to the Anglo-Irish Council, an inter-parliamentary body and an Advisory Committee to deal with "economic, social and cultural co-operation"[111] –which would be institutionalised as Anglo-Irish Encounter in July 1983.[112] The studies revealed a difference of opinion over the creation of the inter-parliamentary tier. Whilst both sides agreed it would be "a natural and desirable development", the British seemed to prefer to leave it as a matter for the consideration of the two parliaments, whilst the Irish wanted the studies to draw up proposals for the "composition, ambit and purposes" of such a body.[113] The Irish suggested that the body could be created by developing the existing Anglo-Irish

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[108] Cmnd 8414 op. cit. p.10
[109] *Ibid* p.11
[110] G. FitzGerald op. cit. p. 383.
[111] Cmnd. 8414 op. cit. p. 12
[112] See *Irish Times* 28 July 1983 for details of the creation of Anglo-Irish Encounter.
[113] Cmnd. 8414 op. cit. p.11.

Parliamentary Group (a very loose backbench grouping which met only once every two years). Dublin appears to have been keen to set up the inter-parliamentary tier as a way of gaining a Northern input into the intergovernmental process, with the Northern membership to be "in proportion to the size of the different parts of the community there…".[114] The inter-parliamentary tier was not, however, enacted at the summit. The reason for this seems to have been reluctance by Mrs Thatcher to commit to the creation of the body on the grounds that the Prime Minister could not dictate to parliament what parliament should do.[115] Mrs Thatcher told the House of Commons that an inter-parliamentary body is "a matter for this House and for the similar House in the Republic of Ireland. I would not wish to interfere".[116] (The inter-parliamentary body was not in fact to be created until 1990, and was of questionable worth in terms of securing a Northern input to the intergovernmental process as Ulster Unionists never took up their seats[117]).

The creation of the Anglo-Irish Intergovernmental Council did to a large extent simply give a title and a loose framework to the contacts that already existed between the two governments. Taken as a whole though the studies were a relatively substantial attempt to address areas of confusion between the two states and highlight areas where relations could be improved (such as voting rights and economic co-operation). They were judged by some –not least Charles Haughey- to be disappointing and empty, though this rested on the unrealistic expectations which had been built up around them –primarily by Charles Haughey himself once he had left office. The joint studies were undertaken by British and Irish officials under the remit to review the relationship between Britain and Ireland under specific headings. These civil servants were never going to propose radical changes that

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[114] *Ibid.* p.12
[115] See David McKittrick, 'Northern Ireland Notebook', *Irish Times* 14 November 1981.
[116] House of Commons, *Debates*, vol. 421, 10 November 1981, col. 424.

would fundamentally alter the way the two states dealt with Northern Ireland. The exchanges between Charles Haughey and Garret FitzGerald after the November 1981 summit over whether the wording of the joint communiqué constituted a *de jure* recognition of partition as opposed to the *de facto* recognition Haughey claimed the 1980 communiqué constituted was at best an entertaining side-show.[118] Charles Haughey's claim that the joint studies had been altered between his leaving office in July and the publication in November has not been substantiated. David McKittrick noted at the time of the November summit, "Viewed from the London perspective …it has to be said that nobody can be found here who believes that Mr Haughey would have gone home with more than Dr FitzGerald did".[119] The 1981 summit served a wider, if short lived, purpose of improving Anglo-Irish relations after the hunger strike.

Conclusion

The 1981-1982 period was a particularly difficult and comparatively unproductive one in Anglo-Irish relations. But whilst the individual events examined above undermined the ability of the two governments to co-operate, and collectively soured the Anglo-Irish relationship, a sense of perspective must be retained. Patrick Keatinge warns of the "danger of giving excessive weight to the 'fever chart' interpretation of Anglo-Irish relations". Whilst the 'fever chart' "reflects the immediate and dramatic event, conflicts of personality, and explanations of behaviour in terms of parochial, party or sectional interests…they rarely reflect either the whole range of issues at stake or the continuity of contact and purpose at the bureaucratic level".[120] This point is to some extent endorsed by

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[117] For a fuller discussion of the creation and work of the summit see N. Taylor and C. Walker, 'The British-Irish Inter-Parliamentary Body', *Northern Ireland Legal Quarterly*, Winter 1997, Vol.84, No.4.
[118] See the *Irish Times* 9 and 11 November 1981.
[119] *Irish Times*, 14 November 1981.
[120] Patrick Keatinge, 'An Odd Couple? Obstacles and Opportunities in Inter-State Political Co-operation between the Republic of Ireland and the United Kingdom', in D. Rea (ed.) *Political Co-operation in Divided Societies*, Dublin, 1982.

the Irish Minister for Foreign Affairs, Peter Barry. Speaking at the end of 1982 he noted, "there are daily contacts at all levels and my experience is that no matter what shouting some people do at one level the ordinary people recognise the common interest we both have in good relations".[121] The joint studies and the fledgling Intergovernmental Council that it created did indeed increase the level of bureaucratic contacts between London and Dublin and does appear to have gone some way to off-set the disputes that occurred in the period. (Though the Anglo-Irish Intergovernmental Council did not meet at Heads of Government level after November 1981 until November 1983).

What makes the two-year period 1981-82 comparatively unusual is the number of 'fevers' the Anglo-Irish relationship was subjected to. The fevers of the hunger strike, Falklands, and Rolling Devolution were harder to shake off given their proximity to one another and the instability within Ireland's political system during the period. One NIO minister, Lord Gowrie, acknowledged that Anglo-Irish relations were not as good as they should be but concluded "of course they will improve ...We have too many interests and ties in common for things not to improve."[122] However, things do not simply improve of their own volition. Whilst it is undoubtedly the case that the issue of Northern Ireland, the shared land border, membership of the European Community and historical and cultural ties, dictate that there must be an Anglo-Irish relationship, these alone do not ensure it must be harmonious. Although British and Irish officials did continue to work together throughout the troubled period of 1981-1982 their efforts were undermined by the variety of fevers and considerations that made it difficult for Mrs Thatcher and Charles Haughey to build on the apparent success of the 1980 summit. By 1982 the British appeared to have given up hope of working with Charles Haughey to improve relations. Jim Prior wrote that the fall

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[121] *Irish Times* 25,27 and 28 December 1982.
[122] *Irish Times* 17 July 1982.

of the FitzGerald government in January 1982 was "something of a disaster…which brought Haughey and Fianna Fail back to power". In Haughey's defence it can be argued that he was constrained by the lack of a working majority during the period. But whilst his stance on issues such as the Falklands and Rolling Devolution can be explained in terms of the domestic constraints he faced, such constraints meant little to British policymakers when considering British interests and the Anglo-Irish relationship. The return of Garret FitzGerald as head of a stable coalition government in November 1982 created the opportunity for London and Dublin to re-evaluate and re-formulate Anglo-Irish relations. Jim Prior noted in October 1982 that "good relations between London and Dublin make nothing but sense and the Government much regrets the way our paths have diverged recently. We shall seek to mend relations in the coming months".[123] A few weeks later Garret FitzGerald pledged to restore Anglo-Irish relations to the state they were in at the time of the 1981 summit and urged that the two governments "turn away from this unhappy year of 1982…"[124]. Over the three years that followed the climate within Northern Ireland and as a result the relationship between London and Dublin was altered by the spectre of a politically resurgent Sinn Fein.

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[123] *Irish Times*, 8 October 1982
[124] *Irish Times*, 18 November 1982

Chapter 4. Institutionalising the intergovernmental approach.

Negotiating The Anglo-Irish Agreement

After the tumultuous preceding two years the Anglo-Irish relationship was to be placed on a much firmer, and eventually institutionalised footing as a result of the inter and intra-governmental negotiations in the run up to the Anglo-Irish Agreement (AIA) of November 1985. This period witnessed a re-examination and articulation of the Republic's view of Northern Ireland in the New Ireland Forum (NIF).[1] This in turn was to lead to a re-evaluation and restatement of their objectives by Unionists in Northern Ireland[2] and pressure on the British Government (from the Irish Government, the United States and European Parliament) to engage in a review of its own Northern Ireland policy. This chapter examines the attempts by the two governments to improve their relationship in the post hunger strike/Falklands period and the subsequent negotiations that led to the AIA. The purpose and implication of the NIF are examined in respect of how it impacted upon Anglo-Irish relations. The latter part of the chapter examines the negotiating process that was to lead to the most important Anglo-Irish document since the outbreak of the Troubles, the AIA. The AIA is often taken to be a surprising departure for Mrs Thatcher from her Unionist principles. The reasons for this departure are analysed along with the extent to which the AIA was a result of intra-British departmental conflict? (The reasons why the Irish and British governments signed the AIA and its content are examined in the following chapter.)

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[1] *The New Ireland Forum: Report* Stationary Office, Dublin 1984.

[2] The Unionist Party published *The Way Forward* and the Democratic Unionist Party *Ulster: The Future Assured* as a response to the New Ireland Forum. For a discussion of these documents see Anthony Kenny, *The Road to Hillsborough*, Oxford, 1986, ch.11.

"Back very firmly on the rails" [3]

The Irish general election in November 1982 resulted in a Fine Gael/Labour coalition government, led by Garret FitzGerald, with a six-seat majority. In June 1983 Mrs Thatcher's Conservative Party was returned to office with a massive majority of 140. This meant that both states had comparatively secure governments who could expect to remain in office for several years. This was felt by members of both governments to be an important factor in enabling London and Dublin to pursue the possibility of greater intergovernmental co-operation. [4] For the British the size of the majority meant, as Jim Prior noted, that "we were in no way beholden to the Unionists".[5] David Goodall, one of the key British negotiators of the Anglo-Irish Agreement, also claims that the fact that it was Garret FitzGerald rather than Charles Haughey in the Taoiseach's office was an important factor. Haughey's 'over-selling' of the Dublin summit in 1980 and his stance on the Falklands conflict, according to Goodall, "put the whole relationship into cold storage and Margaret Thatcher never trusted Haughey again, and indeed as long as Haughey was there, there wasn't any real chance of things resuming where they had been broken off after the joint studies".[6]

The change in the electoral stability of the two governments and the personal respect that the Prime Minister and Taoiseach may have had for each other, whilst important factors, obviously on their own do not explain the improving relations between the two states. The problems that the hunger strike, Falkland's conflict, and Prior's devolution plans highlighted in the Anglo-Irish relationship still existed. With regard to Northern Ireland

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[3] British Foreign Secretary, Geoffrey Howe's, description of the Anglo-Irish relationship after his meeting with Irish Foreign Minister, Peter Barry. *Irish Times* 28 July 1983.
[4] The importance of this is mentioned by Jim Prior op. cit. p.237 and Garret FitzGerald *Irish Times* 8 October 1984.
[5] Prior op. cit. p. 237.
[6] Sir David Goodall, interview with the author.

the underlying problems were the same: the different interpretation of the causes and solutions to the conflict by the governments; the conflicting demands on the two government's from 'their' community in the North and the domestic pressures each government faced regarding Northern Irish policy. The next two years were spent trying to find a course of action that would neutralise, or at least blur, these problems. In the short-term both governments took action to try and improve the relationship.

On 1 February 1983 the NISS, Jim Prior, met the Irish Minister of Foreign Affairs, Peter Barry, the first meeting at ministerial level since the Falklands War.[7] The following month Thatcher and FitzGerald met on the fringes of a European Council meeting in Brussels. Whilst both leaders were reluctant to reveal what was discussed it was reported that they were attempting to try and build a closer working relationship.[8] FitzGerald stated, "We have started the process of improving relations".[9] No new initiative was possible in the run up to the British general election and the Irish were primarily concerned with the development of the New Ireland Forum, which was announced on 11 March.[10]

Not surprisingly Northern Ireland and specifically Anglo-Irish relations did not feature prominently in the British election campaign. Unusually though the Conservative Party's manifesto in 1983 contained a reference to the importance of the intergovernmental relationship stating, "We believe that a close practical working relationship between the United Kingdom and the Government of the Republic can contribute to peace and stability in Northern Ireland without threatening in anyway the position of the majority community

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[7] *Financial Times,* 2 February 1983.
[8] *The Guardian*, 23 March 1983.
[9] *Irish Times*, 23 March 1983.
[10] *The Irish Times*, 12 March 1983.

in the province."[11] Whilst this was hardly an undertaking to consult the Irish over the governing of Northern Ireland, it was at least an implicit acknowledgement that the intergovernmental relationship had moved up the agenda of the Conservative Government. The previous Conservative Manifesto had made no mention of the intergovernmental relationship and had advocated a more integrationist approach.[12] For all the problems that had gone before (and were indeed to come) Thatcher's government seemed to be considering whether a better relationship with the Republic's government may be advantageous to their Northern Ireland policy. But this was still a vague notion and it would take a further two years of intense negotiations to work out what part the South should play in that policy.

The New Ireland Forum: In the hope of being over-heard?

The NIF was ostensibly an intra-nationalist dialogue between the three major Southern parties, Fianna Fáil, Fine Gael, and the Labour Party, and the major nationalist party from the North, the SDLP. The stated aim of the Forum was "consultation on the manner in which lasting peace and stability can be achieved in a New Ireland through the democratic process".[13] The extent to which the Forum marked a fundamental re-evaluation by Irish nationalists of the Northern Ireland issue has been questioned. Clare O'Halloran has argued the exercise "merely clothed traditional values and aspirations in a new language of pluralism and deferred the question of fundamental change".[14] According to this view the Forum was "a monument to the evasion and ambiguities which have been a hallmark of Irish nationalism to date".[15] Whilst O'Halloran may be correct in her belief that the

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[11] *The Conservative Manifesto 1983*, Conservative Central Office, London.
[12] *1979: The Conservative Manifesto*, Conservative Central office, London.
[13] Irish Government statement announcing the setting up of the New Ireland Forum, *Irish Times*, 12 March 1983.
[14] Clare O'Halloran, P*artition and the Limits of Irish Nationalism*, Dublin 1987, p.194.
[15] *Ibid.* p.XVIII.

Forum report did not mark a shift away from the traditional Irish commitment to the goal of unity, the exercise did have an impact upon Anglo-Irish relations and perceptions of the problem within the South. Although the Forum did not seriously question the commitment to unity (something which would have been difficult for both historical and constitutional reasons) the report did pledge a willingness to consider views other than unity if they could contribute to political development. O'Halloran's analysis is persuasive as an evaluation of the shortcomings of the Forum in relation to Irish nationalist ideology. But in terms of the practicalities of attempts to change Anglo-Irish co-operation over Northern Ireland the Forum was of more significance. The subsequent developments in Anglo-Irish relations suggest that there was a growing awareness in the South of a need to move away from stressing the traditional belief in the inevitability of Irish unity, to looking at how the situation within the North could be stabilised. The NIF was a part of this process.

Although there was no British Government involvement in the Forum, and the Ulster Unionist parties refused to take part, the Forum was not an isolated Irish event that had no bearing on Anglo-Irish relations. Ronan Fanning recounts "a conversation between an eminent Irishman and a no less eminent Englishman -a conversation which occurred very late at night during (an)…Anglo-Irish conference. 'Are you', interrupted the Irishman, 'are you addressing your remarks to me, or are you merely talking to yourself?' 'I am talking to myself' replied the Englishman, 'in the hope that I may be overheard. It seems to be the only way of conducting Anglo-Irish relations."[16] The New Ireland Forum was the inverse of this scenario. A dialogue between the Irish parties which had the intention of not only establishing a common nationalist view on the form a new Ireland should take but also of engaging the interest of the British government or at least forcing a response to its report.

The origins and purpose of the New Ireland Forum

The origin of the NIF was the call by the SDLP leader, John Hume, for the setting up of a 'National Council' to consider the political future of Ireland.[17] Garret FitzGerald was worried that Hume would gain the support of Charles Haughey, then leading the opposition, for his proposal. FitzGerald felt the proposal's remit was too narrow as it was only to include nationalist parties in Ireland who rejected violence (constitutional parties) and excluded Ulster Unionists. (FitzGerald also felt calling the body a 'Council' would alienate Unionists as it had echoes of the 1974 Council of Ireland to which Unionists had objected so strongly).[18] The Taoiseach sought his government's approval for what was to become the Forum, which was to be open to all constitutional parties in Ireland. He managed to get the agreement of Haughey and Hume to the new plan, though there is little doubt the impetus came from Hume. But as a result of the refusal of the Unionists to take part the final structure of the Forum was largely that originally envisaged by Hume. (Some Unionists, including a member of the Ulster Unionist Party, Dr. Christopher McGimpsey, did give evidence in a personal capacity).

One of the main, though unstated purposes of the NIF, was to bolster the position of constitutional nationalism in Northern Ireland. Since the hunger strikes the Irish government were increasingly concerned at the rising Sinn Féin vote in the North. Dublin saw the possibility of Sinn Féin eclipsing the SDLP as the voice of nationalists in the North as particularly worrying, not just for the North but for the possibility that Sinn Féin could undermine the stability of the Republic. In March 1983 Mary Holland claimed the growth

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[16] Ronan Fanning "The British dimension" op. cit, p.51.
[17] *New Statesman* 25 February 1983.
[18] FitzGerald op cit. pp. 462-465. FitzGerald claims in his memoirs that he was thinking along the same lines as Hume, however, he has since admitted that he embarked upon the NIF road to try and prevent Hume's narrower plan being accepted. Institute of Contemporary British History '*Anglo-Irish Agreement Witness Seminar*, 11 June 1997, p.15.

of Sinn Féin "is now a source of major concern to the Irish government, which sees it, quite rightly, as a threat to the stability and institutions of its own state".[19] Sinn Féin had already demonstrated during the 1981 hunger strike that in times of crisis it was possible for them to make electoral inroads in the South. If they were to become the major nationalist party in the North it would make it far more difficult to construct a power-sharing devolved government in Northern Ireland.[20] The SDLP needed some demonstration that constitutional politics still had a role and could achieve results. They were still boycotting the Northern Ireland Assembly; primarily as to enter it would further erode their position vis-à-vis Sinn Féin. Their protests over the construction of the Assembly had achieved little and there appeared little chance of a British incentive that would provide them with a tangible 'success' in the near future. The establishment of a high profile Forum where the SDLP would be sitting down on equal terms with the other major figures of nationalist Ireland would at least provide the main Northern nationalist party with a platform and the chance to demonstrate the value of constitutional politics. [21]

The New Ireland Forum and Anglo-Irish relations.

The British reaction to the creation of the Forum was somewhat lukewarm. Prior told the House of Commons, "…I believe that a forum or initiative of this nature which at any way puts at risk the view of the majority of the people in Northern Ireland that they should remain part of the United Kingdom is bound to start at a major disadvantage. Having said

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[19] *New Statesman* 1 April 1983

[20] A point made by Cunningham 1991 op. cit. p.173.

[21] *Ibid.* p. 174. Another perceived success for the SDLP around this times was the announcement of the European Parliament's investigation into Northern Ireland, 2 March 1983, led by the Danish MEP Nils Haagerup. This was though deeply resented by the British government. Prior stated, "The European Parliament has no business to discuss the internal political affairs of a member state…It follows that any conclusions that the committee may reach can have no practical effect and the decision of the political affairs committee of the Parliament can have no constitutional implications for the United Kingdom" House of Commons, *Debates*, 24 February 1983, vol.37, col.1057. On a legal basis Prior was correct, the finding of the EP were in no way binding on the British but it highlights the sensitivity of the British to possible

that I must add that any constructive talks will be welcomed…"[22] Margaret Thatcher was "intensely wary" of the NIF process.[23] The NIF did cause one problem for the British both in terms of their internal Northern Ireland policy and intergovernmental relations regarding the North: delay. Prior acknowledged no new initiatives could be taken before the NIF reported. The British were "held up by the deliberations of the New Ireland Forum".[24] The Anglo-Irish relationship and Britain's Northern Ireland policy were effectively 'put on hold' for the fourteen months the Forum deliberated.

The NIF report was published on the 2 May 1984. It was the result of an impressive period of examination of the Northern Ireland issue by the South, the most sustained and intense since partition. The Forum had 28 private sessions, 13 in public, 56 Steering Group meetings (containing the Chair, Dr. Colm Ó hEocha, President of University College Galway, and the leaders of the four main parties). It received 317 submissions and invited 31 groups and individuals to give oral presentations.[25] The NIF had though failed somewhat in its aim of establishing agreement amongst the constitutional nationalist parties of Ireland as to the way to bring about a peaceful settlement to the Irish problem. The report contained three options: a unitary state, a federal/confederal state and joint authority.[26] The report noted that, "The particular structure of political unity which the Forum would wish to see established is a unitary state".[27] However, in a section that was to be the basis claimed by FitzGerald for negotiating the AIA, the report stated, "The Parties to the Forum also remain open to discuss other views which may contribute to

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international pressure regarding Northern Ireland as well as the Conservative's attitude to the European Community and sovereignty issue. The British Labour Party also pledged not to cooperate with the inquiry.

[22] House of Commons, *Debates*, 14 April 1983, vol. 40 col. 928.

[23] Thatcher op. cit., p.396.

[24] Prior op. cit., p. 237.

[25] *New Ireland Forum: Report*, The Stationary Office, Dublin, 1984, p.3.

[26] *Ibid.* chs. 6,7 and 8 deal with each option respectively.

[27] *Ibid.* section 5.7, p. 29.

political development".[28] The common position, which the parties had worked so hard to establish, proved unable to survive the first press conference launching the report. FitzGerald, whilst noting he favoured the unitary model, spoke of the Forum's "openness to other views". For Haughey however the unitary state "is not an option –it is the wish of the parties to the Forum…The Forum is quite right to have established a unitary state. Neither of these other two arrangements, federation or joint authority, would bring peace and stability to the North".[29] The Forum had nearly split on this point earlier with the Fianna Fáil team (in particular Ray McSharry) wanting only the unitary state option included (along with Seamus Mallon of the SDLP) and the other parties and the rest of the SDLP delegation insisting that the other option be included.[30]

The importance of the NIF lay not in the options that it proposed, or in the effect it had on public opinion in the South, but in the fact that it provoked responses. The British could not ignore the NIF report. However, much of the content of the report was understandably unacceptable to the British. The 'Origins of the problem' section (chapter 3) was particularly unpalatable from the British point of view. According to the report the origins of the problem were "the arbitrary division of Ireland" (3.1) when during the Home Rule issue "the British Government and Parliament backed down" as a result of Unionist threats which showed Unionists "a threat by them to use violence would succeed". (3.5) Similarly in the post-1969 period the British are largely to be blamed for the problems. The report criticised the Labour Government who "failed to sustain the Sunningdale Agreement" in the face of Unionist threats. (3.16) It also criticised the "insensitive implementation" of

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[28] *Ibid.* section 5.10, p.30.
[29] *Irish Times* 3 May 1984.
[30] *Irish Times* 20 February 1984 and 16 April 1984. FitzGerald op. cit., p. 487

security policy and concluded, "the only policy that is implemented in practice is one of crisis management".[31]

The report is less thorough in its critical analysis of the policy of Irish governments over the years. It does note that that since 1922 the primary concern of the South was to develop the Southern State and this did result in, "insufficient concern for the interests of the people of Northern Ireland". However, the report claimed periodic efforts were made to highlight concerns regarding the North, "without response from successive British Governments".[32] Such a stance may be understandable given that for the period under consideration it was the British and not the Irish who had responsibility and jurisdiction for governing the North and given that Irish nationalists wrote the report. The authors could hardly have expected this section to elicit a favourable response from the British Government or the Unionist parties. Indeed many in the Forum itself were unhappy with the tone of the chapter and there was a feeling within FitzGerald's own party that he was giving in too much to Fianna Fáil demands.[33] FitzGerald felt that the nationalist interpretation of history had to be included to secure an agreed report and provide him with what was "needed to initiate open-ended negotiations with the British Government".[34]

The immediate response from the British was a strong rejection of the historical account of the problem. Prior issued a statement noting, "The authors of the report…cannot expect the Government to accept the nationalist interpretation of past events which the report expresses, or the dismissal of the strenuous efforts which successive United Kingdom governments have made in the past 15 years to deal with the intractable problems of

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[31] *NIF Report* op. cit., pp. 8-16.
[32] *Ibid.* section 3.12 p.12
[33] Gemma Hussey, *At the Cutting Edge: Cabinet Diaries 1982-1987*, Dublin, 1990, p.99. FitzGerald op. cit., p. 488.

Northern Ireland. The Forum's account of the British position is one-sided and unacceptable". However the British were careful not to be seen to reject the work of the Forum out of hand. The same statement went on, "Nevertheless the Government welcomes important positive elements of the report" particularly the commitment to peaceful persuasion and the rejection of violence. In a sentence that must have pleased FitzGerald, Prior asserted "The United Kingdom Government welcomes the statement in the report that the parties in the Forum remain fully open to discuss other views".[35]

The British response to the Forum continued to follow this pattern, rejecting the historical interpretation and the main 'solutions' of the report whilst welcoming the tone of the comments regarding Unionist identity and commitment to consent and non-violence. Prior informed the House of Commons "We are taking the report seriously and giving it proper consideration. In so far as it impinges upon the sovereignty of Northern Ireland we could not accept it. As the report recognises, any changes must be made with the consent and agreement of the Northern Ireland people. We know that any changes of that nature will not be forthcoming. We must, therefore, take that aspect into account in framing an answer to this serious document representing the views of the nationalist parties of Ireland". Prior went on to claim parts "of the Forum report go further than any nationalists have gone before, in showing a much greater understanding of the Unionists' position in Northern Ireland".[36]

FitzGerald's government attempted to pressurise the British government into taking the report seriously by the favoured Irish option of using the American platform to promote the Irish agenda. Two months before the NIF report was issued FitzGerald had told a joint

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[34] *Ibid.* p.489.
[35] *Irish Times* 3 May 1984.

session of the US Congress of the work of the NIF and his "hope that it will find a response in Britain".[37] In a speech on St. Patrick's Day President Reagan had praised the work of the NIF and welcomed the fact that "the high level dialogue between Ireland and Britain has been renewed..."[38] The British press also gave widespread coverage to the report. Whilst the coverage was far from uncritical of the report the document was deemed important enough to warrant front-page articles in *The Times, The Guardian* and *The Daily Telegraph*.[39]

The seriousness with which the British treated the NIF report is perhaps illustrated by the fact that a Commons debate was held to discuss it. In his speech Prior reiterated the objections of the British to elements of the report and again praised its tone. He rejected the three options as a basis for a settlement. When discussing the three models he noted this "is where the report's difficulties begin to show. It outlines three models …Inasmuch as any of the models significantly alters the sovereignty of Northern Ireland; it is a dangerous fallacy to imagine that the Unionists would agree. It is equally false to imagine that the Government or anyone else can engineer or induce such an agreement".[40] However once again Prior was careful not to appear too negative or dismissive of the NIF initiative noting "it would be unfair to the tone of the report and to the way in which it has been presented by the Irish government to concentrate only on those detailed points".[41]

Prior specifically responded to the New Ireland Forum's identification of the realities of the Northern Ireland problem and the call by FitzGerald that the British identify their own

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[36] House of Commons, *Debates*, 24 May 1984, vol. 60 col.1237.
[37] *Irish Times* 8 March 1984.
[38] *Ibid.* 17 March 1984.
[39] 3 May 1984.
[40] House of Commons, *Debates*, 2 July 1984, vol. 63 col. 25-26.
[41] *Ibid.* col. 26.

understanding of the realities of the problem. Prior listed five 'realities'. Firstly, that the Unionists reject a united Ireland but a significant minority in the North favoured that option and no quick and easy solution could reconcile these differing positions. Secondly, the fact that Northern Ireland is part of the United Kingdom and its status cannot be changed without the consent of the people of Northern Ireland. The third reality of the situation, according to Prior, was that the government of Northern Ireland was a matter for the British Parliament. Fourthly, Northern Ireland must be governed in the best interests of its entire people and he let it be known that he favoured a devolved system of government "which has the support of both sides of the community". The final reality was though a specific acknowledgement of the role of the importance of good intergovernmental relations. Prior noted that geography and the allegiance felt by nationalists in Northern Ireland "calls for a close relationship between the United Kingdom Government and the Republic".[42] Prior's comments in the debate were a long way short of a ringing endorsement of the NIF Report. The third reality was a restatement of the traditional British position, which the Irish had questioned in the Forum and in the dark days of 1982 - though interestingly Prior did not state it was *only* a matter for the British parliament. The fourth reality was a restatement of Prior's commitment to devolution, and by implication to his Rolling Devolution plan. However the fifth reality did appear to offer some hope that Prior was interested in the intergovernmental path. This was to some extent underlined in Prior's concluding remarks. Prior appealed to all sides in Northern Ireland to enter into detailed discussions over the situation in the North. He argued that the Unionists could do this with the assurance that their position in the Union was safe. The nationalists "can do so knowing that we want to find an acceptable way to involve them and that we are concerned about the views that the Irish Government have expressed on their behalf".[43]

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[42] *Ibid.* cols. 26-28
[43] *Ibid.* col. 29.

This is a significant phrase as it implied that it was an acceptable function of the Irish government to act as spokesmen to the British government on behalf of Northern nationalists. Too much should not be read into this statement though, as the British Government's favoured option at this stage was still a devolved government in Northern Ireland. The week before the House of Commons debated the NIF Prior had stressed in the House that the way forward was not via an exclusively intergovernmental approach. "It would be no good the British Government and the Government of the Republic discussing these matters unless there was a degree of consultation and acceptance by the political parties within Northern Ireland itself. That is where any solution must come from".[44] Yet within eighteen months the two governments had signed an agreement that was the result of intergovernmental discussion, had been negotiated without consultation with the representatives of the majority community in Northern Ireland and was rejected by all the parties representing that community.

The NIF did not persuade the British Government to pursue a nationalist agenda, nor did it succeed in changing the parameters of the debate. The lack of impact of the contents of the Forum report is illustrated by Prior's statement that "I don't think parliament or Westminster or Great Britain is particularly concerned about the Forum report".[45] But the NIF was an important exercise, which did have an impact on Anglo-Irish relations. On its own it did not force the British to engage in the discussions with the Irish that led to the AIA, but it did help focus attention on the Northern Ireland problem. The British had indeed overheard the Irish talking to themselves and were about to join the discussion. For much of the conversation, however, the two governments were not necessarily having an

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[44] House of Commons *Debates*, 28 June 1984, vol. 62 col. 142.
[45] Irish News interview 26 July 1984, quoted in Bew and Gillespie, op. cit. p.179.

integrated discussion, at times it resembled concurrent monologues, but it led to the Anglo-Irish Agreement.

Negotiating the Anglo-Irish Agreement

The process of negotiating the Anglo-Irish Agreement was long and complicated, with over 50 negotiating meetings. These included: two prime- ministerial summits; at least four prime ministerial meetings on the fringes of EC summits; 3 meetings of the Irish Tánaiste (deputy prime minister) and Irish Minister of Foreign Affairs with the British NISS and Foreign Secretary; 10 meetings between the Irish Minster of Foreign Affairs and the British Foreign Secretary or NISS; and over 30 meetings of the officials of the two governments negotiating groups, led by the Cabinet Secretaries (Sir Robert Armstrong for the British and Dermot Nally for the Irish).[46] "For practical purposes" Armstrong and Nally's deputies, Sir David Goodall and Michael Lillis, carried out most of the discussions.[47] Garret Fitzgerald persuaded Margaret Thatcher to agree to hold "substantive talks on Anglo-Irish relations" when they met at the June 1983 Stuttgart summit of EC leaders.[48] The mechanism for these talks was to be the Intergovernmental Council that had been announced during the 1981 summit but had lain largely dormant as a result of the deterioration in Anglo-Irish relations in 1982. The Council was to act as the Steering Committee for the negotiations. Headed by the two Cabinet Secretaries it reported directly to the prime ministers, enabling FitzGerald and Thatcher to control the scope of the negotiations, a fact that it was hoped would minimise the opportunity for disputes to arise

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[46] Figures given by Garret FitzGerald to the Dáil, *Parliamentary Debates. Dáil Éireann* 19 November 1985, cols. 2573-2574.
[47] Sir David Goodall interview with the author.
[48] Geoffrey Howe, *Conflict of Loyalty*, London 1994, p.414.

between the Northern Ireland Office and Foreign Office on the British side.[49] The two leaders agreed in Stuttgart to hold a summit later in the year.

Engaging the British interest.

On 7 November 1983 Garret FitzGerald and Margaret Thatcher held a summit meeting at Chequers. This was the first summit for two years and was perhaps of more symbolic than practical importance, indicating an improvement in Anglo-Irish relations. Due to the continuation of the NIF no real breakthrough was possible but FitzGerald used the meeting to try and impress on Mrs Thatcher his fear that nationalist alienation from the Northern Ireland state was undermining the SDLP and leading to the rise of Sinn Féin. FitzGerald argued this alienation needed to be addressed by the two governments. At this stage Thatcher does not appear to have been convinced of FitzGerald's alienation thesis. She reported to the House of Commons "we have not found an increase in alienation, but…we are worried about the apparent increase in support for Sinn Fein".[50] In the intervening months between Stuttgart and Chequers the Irish had approached the British informally offering to improve security co-operation but in return for a greater role in the security and judicial system in Northern Ireland.[51] At that stage though the talks were mainly at an official level between Michael Lillis and Northern Ireland Office officials. The more structured and productive talks would have to wait until the end of the NIF process. These approaches by the Irish, along with the NIF process and international opinion, did have the desired result of engaging Mrs Thatcher's interest. Thatcher records that after the Chequers summit "I felt that we must now come up with our own proposals and I asked

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[49] This point is made by both FitzGerald op. cit.p.383 and Howe op. cit. p.414.
[50] House of Commons, *Debates*, 8 November 1983. Vol. 48, col. 150.
[51] FitzGerald op. cit. p.472-473 and Thatcher op. cit. p.395.

Robert Armstrong to draw up an internal paper setting out the options…This meeting, from our side, was the origin of the later Anglo-Irish Agreement".[52]

The result of the British review was a proposal that was delivered to Dublin on 1 March 1984 (as the NIF was drawing to a close). According to Dermot Nally "That is the crucial date".[53] The proposal was for a security band along the border to be overseen by a Joint Security Commission and policed by joint crime squads (which could eventually evolve into a common police force or crime squad). The British also suggested the possibility of an all-Ireland court and changes to the Northern Ireland franchise rules along with symbolic changes such as movement on the Flags and Emblems Act.[54] Much of the British proposal was unacceptable to the Irish but the importance of the document is that it marked the formal start of the AIA negotiations.

The AIA negotiations took on a distinct pattern. The Irish government attempted to achieve an agreement that would give them a status approximating as closely as possible joint authority; the British sought an agreement that would improve security but not compromise sovereignty. The suggested purposes of the AIA will be examined in the next chapter, but the negotiations illustrate that the agreement was the result of compromises on their original position from both sides. Neither side seems to have had a clear idea when entering into the negotiations what the specific outcome of the agreement would be. The Irish in essence were looking for a way of decreasing nationalist alienation in the North and halting the rise of Sinn Fein, whilst the British wanted improved security co-operation

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[52] *Ibid.* p. 396
[53] ICBH seminar op. cit. p.32.
[54] FitzGerald op. cit. p.494. (The Flags and Emblems (Display) Act of 1954 made it an offence to interfere with the Union Flag in a public place and gave the RUC discretionary powers to remove any other flag from any private or public place. It was felt by Nationalists in Northern Ireland to be discriminatory. S J Connolly (ed.) *The Oxford Companion to Irish History*, Oxford, 1988, p.200).

from the South. By far the fullest account of the AIA negotiation is that provided by Garret FitzGerald, who devotes over one hundred pages of his memoirs to the topic.[55] Whilst FitzGerald is obviously writing from an Irish point of view his account of the process of the negotiations has not been challenged by any of the British politicians or civil servants involved. The picture that emerges from the FitzGerald memoirs, and other first-hand accounts, is one of an Irish side trying to 'scale-up' the British offers of a limited consultative role for Dublin in return for far greater security co-operation and a dropping of Articles 2 and 3 of the Irish constitution. The British for their part were trying to 'scale-down' Irish requests for a role which amounted to joint authority in return for changes in the Irish constitution.[56] Neither side's offers were acceptable to the other and the eighteen months were spent edging towards the middle ground.

Head vs. heart: Mrs Thatcher and the AIA

Mrs Thatcher's attitude towards the intergovernmental negotiations is interesting and at times contradictory. There is little doubt that Mrs Thatcher had strong Unionist views. Indeed a former head of the Northern Ireland Civil Service went so far as to state "She was in sentiment the most deeply Unionist of British prime ministers for a very, very long time".[57] Yet Mrs Thatcher was also a pragmatic politician (perhaps more pragmatic than she is often presented). Douglas Hurd explained that Mrs Thatcher "always starts with first principles" and will examine whatever seems to be potentially a logical solution to a problem. (This at times led her to contemplate repartition as a possible solution though it

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[55] FitzGerald op, cit. chapters 14 (primarily on the NIF but also related to the AIA), 15 and 16. The difference in coverage given by politicians to the issue is another example of the fact that Britain and Anglo-Irish relations looms larger in the Irish mind than Ireland and Irish-Anglo relations does in the British one. Thatcher for example devotes less than twenty pages to the AIA.

[56] For an explanation of the proposal put by the Irish side in August 1984 see *Ibid.* p.505, the British early proposals are on pp. 472-473.

[57] Sir Kenneth Bloomfield, interview with the author.

was never seriously considered as government policy).[58] By the time the AIA negotiations began Mrs Thatcher appears to have become convinced that something needed to be done about Northern Ireland and that that something may well have to involve an input for Dublin. However this acceptance of the intellectual rationale behind an intergovernmental approach waxed and waned during the negotiations as her instinctive Unionism reasserted itself. David Goodall claims:

> "People have rightly said, I think, that for her, her head took her in one direction and her heart in another. So the thing tended to waver a bit depending upon if she had been listening to Enoch [Powell] and Ian Gow. All her doubts would be sort of reinforced and then we'd work away at it again and then she'd come to see that even if she didn't like it, it would be a good thing, so it was a bit of a yo-yo really".[59]

The ebbing and flowing of Mrs Thatcher's support for the initiative caused problems for those negotiating the agreement. Robert Andrew, the head of the NIO during the negotiations, recalls that this head versus heart struggle of Mrs Thatcher caused delays during the talks. Andrew recalls:

> "(Mrs Thatcher) did need a certain amount of persuasion and we had endless meetings on the subject…and quite often at those meetings we had to go back to square one and rehearse the arguments we'd gone through at previous meetings to carry her along with us… I think there was a desire on her part to do something about Northern Ireland with Garret FitzGerald. When it came to the details I think she was rather reluctant about some of the things which were being suggested, including even the consultative role for Dublin which she saw as a possible surrender of some sovereignty and (she) had to be brought along in the discussions…But she was brought along by the logic of it".[60]

The Irish side were also well aware of the struggle that Mrs Thatcher was having with the institutionalising of an intergovernmental approach. Garret Fitzgerald actually claims that the main thrust of the negotiations was on how to bring Mrs Thatcher along. "The whole problem was how to persuade her". Whilst FitzGerald notes that there were other problems during the negotiations -he is particularly critical of the role of the NIO during

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[58] Lord Hurd, interview with the author. See also Mark Stuart, *Douglas Hurd, Public Servant*, Edinburgh, 1998, p.140.
[59] Sir David Goodall, interview with the author.

the negotiations (discussed below)- the basic problem "was to persuade Margaret Thatcher". FitzGerald claims that British officials and ministers accepted this as the major problem at an early stage. "Within weeks, the entire system of government was reorganised to how do you get round the prime minister? So the negotiation was not between Ireland and Britain, it was between Margaret Thatcher and the Irish and British ministers and Irish and British civil servants, effectively".[61]

The importance of the Cabinet Secretary Robert Armstrong, Sir David Goodall and Geoffrey Howe in persuading Mrs Thatcher to pursue the agreement initiative is widely acknowledged. Mrs Thatcher herself never seems to have resolved this tension and ultimately came to regret the AIA.[62]

The 1984 summit: disabusing the Irish/gratuitously offensive.

The good relationship between FitzGerald and Thatcher was a contributory factor in advancing the negotiations. Although she was less than flattering of FitzGerald in her memoirs,[63] those who worked with the two leaders at the time stress the importance of the good relationship and the respect that they had for each other.[64] Whilst the support of the two leaders was necessary to keep the negotiations on track, and the good relationship between them was at times used to overcome difficulties, [65] the actions of the leaders could also seriously destabilise the process. The two-day summit held at Chequers in November 1984 to discuss what was to become the AIA a year later had just such an effect. Once

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[60] Sir Robert Andrew First Permanent Secretary of the NIO, 1984-1988. Interview with the author.
[61] Garret FitzGerald, interview with the author.
[62] See M. Thatcher, op. cit. p.412 and her article on the death of Enoch Powell, *Daily Telegraph*, 23 November 1998.
[63] M. Thatcher op. cit. p.393.
[64] G. Howe op. cit. p.427. Sir David Goodall and Lord Douglas Hurd, interviews with the author.
[65] This was especially the case when the two met at the margins of EC summits to hold brief bilateral meetings on the negotiations. Geoffrey Howe has stressed the importance of the EC as an arena to allow

again the two leaders went into the summit with different priorities. FitzGerald saw the summit as an opportunity to push for a greater institutionalised role for Dublin to counter nationalist alienation in the North. Mrs Thatcher noted that in the run up to the summit the British were "alarmed by the lack of realism which still seemed evident in the Irish proposals" and she went into the summit "determined to disabuse him [FitzGerald] in no uncertain terms of the possibility of joint authority".[66] Not surprisingly the summit itself was, according to an Irish official "a very difficult meeting".[67] The problems centred on the issue highlighted above of the different goals of the two governments regarding what was acceptable in any agreement. Thatcher was determined to scale down Irish expectations of what could, realistically, be achieved in the negotiations. The British proposed a far more exclusively security orientated agenda. Whilst the differences between the two sides were evident the leaders did agree to allow the "close and continuing dialogue" to continue. The joint communiqué papered over the differences noting the desire of the Irish for a united Ireland "freely negotiated" but recognising the need for the consent of the majority in Northern Ireland. The British repeated the constitutional guarantee but pledged to introduce and support legislation for a united Ireland if that was the wish of the majority in Northern Ireland. The communiqué contained four points of agreement: opposition to violence; the need for recognition and respect of both communities in Northern Ireland; the need for a system of government in Northern Ireland which safeguarded the rights of people; and to maintain, and where possible increase, security co-operation between the two governments.[68] The Irish appeared to believe that the summit had furthered the negotiations with FitzGerald stating "we have got down to discussions in earnest, to brass tacks. We are talking about realities

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Anglo-Irish negotiations between the leaders without attracting the attention an Anglo-Irish summit would. ICBH seminar op. cit. p.11.

[66] M. Thatcher op. cit. p.400.

[67] *Irish Times* 20 November 1985.

in a way that has not been done before...we have had realistic discussions on the basic, but complex, issues of security and politics in Northern Ireland."[69]

Once again though it was the case that the appearance of unity can be destroyed immediately in a post meeting press conference.[70] During the course of Mrs Thatcher's press conference - which had started by her describing the summit as "the fullest, frankest and most realistic bilateral meeting I have ever had with the Taoiseach"[71] – the Prime Minister was asked about the New Ireland Forum. She replied, "A united Ireland is one solution. That is out. A second solution was confederation of the two states. That is out. A third solution was joint authority. That is out".[72] At one level Mrs Thatcher was simply restating what Jim Prior had said in July. However, the tone of her comments caused deep offence in Dublin and problems for FitzGerald. Her remarks were seized upon by the Irish opposition leader, Charles Haughey, who attacked FitzGerald in the Dáil for "abject capitulation to a new British intransigence and a craven desertion of the principles of the Forum Report". He accused the Taoiseach of "incompetence", "ineffectiveness," "pathetic behaviour," and asserted, "it's a wonder you had the nerve to come home at all".[73] While such attacks may be expected from the opposition, Mrs Thatcher's comments also caused problems within the coalition's Fine Gael and Labour Party ranks. Gemma Hussey, a member of FitzGerald's Cabinet, wrote in her diary of the "Political chaos and depression about last week's unrolling of events after the Anglo-Irish summit." Hussey noted there were "hard feelings against Garret" in the Fine Gael ranks and concluded "It is difficult to

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[68] Joint communiqué, printed in the *Irish Times* 20 Nov 1984.
[69] *Ibid.*
[70] *The Economist* headlined its article on the summit 'Softly, softly, squelch.' *The Economist* 24 November 1984
[71] *Financial Times* 20 November 1984.
[72] Bew and Gillespie op. cit. p.182
[73] *Irish Times* 21 November 1984

defend Garret's handling of it…it is all quite appalling."[74] FitzGerald noted that Dick Spring, the Labour Party Leader and Tánaiste, told him he "had never seen such anger and frustration as had been visible at his party meeting; the security of the state had been put at risk".[75] FitzGerald was very restrained in his reaction, which Howe described as, "a measure of his statesmanship"[76] though he did tell a meeting of the Fine Gael party that he found the remarks "gratuitously offensive".[77]

Explaining Britain's hardening position: departmental objectives and the entry of the NIO.

The fact that the proposals of the NIF were unacceptable to the British was neither surprising, or by that stage in the negotiations, particularly relevant. The discussions were not in relation to which proposal in the NIF would be most applicable. By 1984 the negotiations were in line with the NIF only in so far as they could be accommodated under paragraph 5.10 of the NIF (the willingness to discuss other views).[78] What was more concerning from the Irish point of view was an apparent hardening of position by the British negotiating team. This was the result of two related factors, the inclusion of the NIO into the British negotiations and the appointment of Douglas Hurd as the new NISS.

As was noted above the main motor for the negotiations had been the Cabinet Office with strong support from Geoffrey Howe at the Foreign Office. Around the time of Hurd becoming NISS in September 1984 Thatcher notes she "widened the circle of those involved on our side of the talks to include senior officials in the Northern Ireland Office".[79] FitzGerald claims that at a meeting on 25 October the British scaled down their

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[74] G. Hussey op. cit. p.131
[75] G. Fitzgerald op. cit. p.525.
[76] G. Howe op. cit. p.422.
[77] G. FitzGerald op. cit. p.525
[78] *Ibid.* p.522
[79] M. Thatcher op. cit. p.399.

proposals. The British were negative towards the proposals for changes in the policing and court structures in Northern Ireland. FitzGerald attributes this to the "involvement of the NIO for the first time" which he felt was "having a very negative effect". At the meeting Hurd ruled out a power-sharing executive and "wanted only to concentrate on security co-operation".[80] It seems clear that the reason for this shift was indeed the inclusion of the NIO into the negotiations.

There were differences between the various British departments during the negotiation of the AIA. These differences are widely acknowledged by British officials and politicians. Sir Kenneth Bloomfield notes "People talk about 'the British government' as if the British government is a monolith. The British government is never a monolith, there are different influences working there, particularly in relation to Northern Ireland".[81] The three main departments that were involved in the AIA negotiation were the Cabinet Office, Foreign Office and the Northern Ireland Office. The focus of the three departments was slightly different. The head of the NIO at the time, Robert Andrew, argues that the other two departments may have been more willing to accede a greater role to Dublin than the NIO were. This, according to Andrew, was a result of the Cabinet and Foreign Offices being concerned with issues other than what was happening on the ground in Northern Ireland.

> "The Cabinet Office, having been asked by the Prime Minister to try and sort out an agreement, wanted to get an agreement and move onto other business as it were, as the Cabinet Office has many other things to do apart from Northern Ireland. The Foreign Office wanted an agreement for overseas political reasons: good relations with Dublin, good relations particularly with the United States. I certainly wouldn't say they wanted an agreement at all costs but they wanted an agreement and to reach an agreement was in itself an objective for them for these overseas political reasons. The Northern Ireland Office …did want an agreement… But we were conscious that whatever agreement was signed we had got to live with and work it whereas the other departments would be moving on to other business".[82]

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[80] G. FitzGerald op. cit. p.510-511.
[81] Sir Kenneth Bloomfield, interview with the author.
[82] Sir Robert Andrew, interview with the author.

Douglas Hurd makes a similar point to Andrew. Hurd notes "there were differences in emphasis…The Foreign Office…would have gone further in meeting different Dublin points and I had often to say, 'Look, this isn't going to run, it's not going to move like that, we must take into account this or that Unionist feeling'…" [83] David Goodall, who was seconded to the Cabinet Office for most of the negotiations from the Foreign Office, saw the role of the NIO in a similar light. Goodall noted that the NIO "were always more cautious about what they would agree to and acted therefore, I mean perfectly legitimately, as a sort of brake on the thing, because they had responsibility for actually running the Province and they, I think rightly, thought that too many bright ideas by people who weren't responsible for running it would land them in a mess which they would then have to deal with."[84]

These differences of emphases evidently frustrated the Irish and the inclusion of the NIO does appear to have caused a re-evaluation of the British position. However, the negotiations show that in a complex series of discussions there is an element of what O'Leary and McGarry term the 'organisational process' having a bearing on the shape of what is agreed. According to the organisational process argument unitary actors do not take the decisions but decisions bear the "hallmarks of the state agencies involved".[85] It is clear that whilst the NIO may have been able to act as a brake on the AIA they were not able to wrest control of the steering wheel. This is evident by the fact that when Hurd was replaced as NISS a few weeks before the AIA was signed, the new NISS, Tom King, who by his own admission had "not been deeply versed in Northern Irish matters before",[86] immediately raised objections to the AIA. Each new NISS is reliant on the 'tutors' of the

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[83] Lord Hurd, interview with the author.
[84] Sir David Goodall, interview with the author.
[85] Brendan O'Leary and John McGarry, op. cit. p.235.
[86] ICBH seminar op. cit. p.35.

NIO given their lack of detailed knowledge of Northern Ireland affairs. The fact that King raised concerns may illustrate that the NIO were not entirely happy with the shape the AIA had taken and were, even at that late stage, seeking to change its composition. Howe notes that each change of NISS, Prior-Hurd-King, caused "a judder in the negotiations".[87]

Given the nature of Cabinet government such differences between departments are both inevitable and necessary. What was fortunate in the negotiating of the AIA was that the original discussion took place between the two Cabinet Offices and the NIO were included only after a momentum of sorts had been established. The Irish believed that the key to getting an agreement was to reduce the role of the NIO as far as possible. According to Dermot Nally once the Cabinet and Foreign Offices were committed to the project it would have been difficult for the NIO to undermine the process. The Northern Ireland Office was "a small department with a very limited outlook. The Foreign Office had a far broader perspective and the Cabinet Office naturally had the same type of broad perspective. So with the Cabinet Office and the Foreign Office involved we could hope to negotiate something that was not a narrow type of agreement, if the NIO alone had been doing the negotiations it just wouldn't have happened".[88]

The NIO were more cautious given that they were more concerned with the events on the ground in Northern Ireland.[89] What is more difficult to ascertain is whether this was the only criteria used by the NIO in considering what, if any, should be Dublin's input in Northern Ireland affairs? To some extent the NIO might, like any government department

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[87] *Ibid.* Sir Robert Andrew claims that King's objections were the result of a new minister entering into the negotiations at a late stage. "An entirely new minister was bound to take some time to get to grips with it and bound to have views of his own on some of the issues". Interview with the author.

[88] David Goodall, interview with the author. (The former head of the Northern Ireland Civil Service, Sir Kenneth Bloomfield, endorses this analysis of the relative power of British departments. Bloomfield notes, "The NIO is at anytime a fairly modest player on the big Whitehall pitch, it is not a heavyweight department, it is not one of the big beasts of the jungle". Sir Kenneth Bloomfield, interview with the author).

or indeed any section of any large organisation, be concerned that sharing its role meant reducing its power. Robert Andrew accepts that the NIO had reservations about a role for Dublin in the affairs of Northern Ireland on the grounds that "if you're trying to run Northern Ireland you'll have some reluctance about bringing somebody else in".[90] There is also, however, another implicit reason why the NIO, or elements of the NIO, might have been reluctant to accede a role to Dublin: their own Unionist beliefs. The distrust by London of the 'locals' in the Northern Ireland Office suggests a belief in British policy making circles that ideological considerations of some in Belfast's NIO may colour their judgement towards the Anglo-Irish relationship.[91] As a result the NIO input into the negotiations was by the Englishman, Robert Andrew, and other senior 'locals' in the NIO, such as Sir Kenneth Bloomfield, were kept in the dark until the final weeks.[92] This exclusion was resented by some of the 'locals'. Kenneth Bloomfield argues that this was misguided in that it excluded people who had a lot of local knowledge and who may have been able to avoid some of the problems that the AIA caused with Unionists after 1985. Bloomfield believes that this exclusion reflected a mistrust of Northern Ireland born civil servants, even those of a senior level such as himself. Bloomfield recalls that not only was his boss, Robert Andrew, involved in the negotiations, but "there were people below me who also were directly involved in it". He found this exclusion "very distressing". This exclusion meant, "they misunderstood and misjudged, in personal terms, my own loyalty to constitutional government".[93] Robert Andrew admits to being worried about the

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[89] Bew, Patterson and Teague, op. cit., p. 58.
[90] Sir Robert Andrew, interview with the author.
[91] A former NIO minister, Richard Needham, is very critical of the assumption he claims underpins British handling of the NIO that "the locals cannot be trusted". This, according to Needham, means that the Secretary of State and permanent under-secretary are always Englishmen. Richard Needham, *Battling for Peace*, Belfast, 1988, p.69. (Garret FitzGerald certainly held this view of the NIO and its relationship with the Unionists. Interview with the author.)
[92] Sir Kenneth Bloomfield, *Stormont in Crisis*, Belfast 1994, pp.252-254.
[93] Sir Kenneth Bloomfield, interview with the author.

exclusion of senior members of the NIO. The decision was not, however, Andrew's, who recalls "I had instructions not to brief my staff in Belfast about it."[94]

Whatever the rationale behind who was to be in and who was to be out of the negotiating loop the content of the AIA was largely shaped by the negotiating process that formed it. The original engagement between the two cabinet offices created a momentum. The plans for a maximalist agreement that would combine a movement towards joint sovereignty with the removal of articles 2 and 3 from the Irish constitution were dropped. Instead a more minimalist agreement emerged that was more restrained in what it granted the Republic and in what it expected in return. The inclusion of senior English personnel from the NIO was largely responsible for this. However, questions must be raised regarding how likely it was that the more maximalist agreement could ever have been achieved? The intrinsic Unionism of Mrs Thatcher would have made it difficult to persuade her to agree to joint sovereignty/joint authority over Northern Ireland. Similarly at least some on the Irish side doubted whether it would have been possible to get a referendum passed to remove articles 2 and 3, even if there was joint authority. The main reason for this would be the likely opposition of Charles Haughey's Fianna Fáil, the largest party in the state. Dermot Nally believed that "it would not have been possible to carry a referendum on 2 and 3 almost irrespective of what was in the agreement because Fianna Fáil were opposing what was happening".[95] The maximalist plan was though seriously considered at the earlier stages of the negotiations. Indeed Andrew recalls that although in his view "this ambitious scheme was never a starter…in fact it was pressed for quite a long time".[96] So the entrance of the NIO into the process did scale back the proposals for the agreement and resulted in a more muted package being agreed. It is understandable why the Irish may

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[94] Sir Robert Andrew, interview with the author.
[95] Dermot Nally, interview with the author.

express regret for this outcome and blame the NIO (and Andrew in particular) for this reduction but it would have been practically impossible, and certainly of questionable efficacy, to exclude the NIO completely from the whole process. Given the Unionist reaction to the minimalist agreement it is likely that there would have been a far more virulent reaction if joint authority had been agreed. If a resultant referendum on articles 2 and 3 in the Republic had been rejected then the AIA may have led to a long term deterioration in Northern Ireland far greater than the problems caused by the minimalist agreement agreed in 1985. The different agendas of the CO/FO and the NIO to a large extent may explain the form the AIA eventually took and account (at least in part), as Bew Patterson and Teague argue, for its ambiguity.[97]

Conclusion

The negotiation of the AIA was a complex and fraught exercise. The Irish government, and Garret FitzGerald in particular, had struggled to engage the British in negotiations towards institutionalising an Irish dimension. To this end the Irish had engaged in 18 months of intra-nationalist dialogue on the Northern question. The NIF dialogue failed to achieve unanimity amongst nationalists on how the issue should be resolved. But the dialogue did help to increase the profile of the issue of Northern Ireland and the role Anglo-Irish co-operation should play in tackling the problem within British policy making circles. Just as the NIF served various purposes - bolstering the SDLP and helping to insulate FitzGerald from Fianna Fáil criticism over his subsequent dialogue with the Thatcher government - the AIA was to serve different purposes for the two governments. The negotiating process illustrated that the path of Anglo-Irish relations and intergovernmental co-operation was not just shaped by the conflicting pressures on each

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[96] Sir Robert Andrew, interview with the author.
[97] Bew Patterson and Teague op. cit. p.58.

government. The British government had to respond to different inter-departmental considerations and priorities. These inter-departmental considerations had a marked influence in dictating the form of the final agreement. Yet such considerations and the impact of the NIF in raising the profile of Northern Ireland do not, of course, adequately explain why the AIA was signed. The purpose of the AIA and the factors that persuaded the two governments to sign it were far more complex. The text of the Agreement and the purposes that the two governments hoped it would serve need to be examined. Such an examination provides a clearer understanding of the potential, and constraints, of the Anglo-Irish relationship and intergovernmental co-operation.

Chapter 5. The AIA: Analysis and explanation.

Margaret Thatcher and Garret FitzGerald signed the AIA on 15 November 1985 at Hillsborough Castle in Co. Down. The AIA was a thirteen-article document, which was subsequently registered as a treaty at the United Nations. This section seeks to analyse the content of the AIA and also the reasons that have been suggested as to why it was signed. The first part of the chapter deals with the content of the agreement. The areas of common interest the agreement secured between the two governments are identified. It is also argued that it is possible to clearly identify the articles that attempted to address Dublin's agenda and those that attempted to address London's. These are illustrated and discussed. The second part of this chapter critically examines the various reasons that have been suggested as the purpose of the agreement for one or both governments. It is argued that many of the academic explanations regarding the purpose of the agreement cannot be substantiated. Such explanations are often flawed in their analysis as they presume a unity of purpose between the governments and clarity of objectives that those negotiating the agreement simply did not possess.

I. An analysis of the content of the Anglo-Irish Agreement

The AIA was a very carefully worded document designed to achieve a variety ends. Although the Agreement was an intergovernmental document, given the different interpretation that each government had of elements of the conflict and the different constituencies they sought to address, the imprint of London or Dublin is identifiable on each paragraph. The Agreement began by setting out the shared values of the two governments but the bulk of the text dealt with the attempts to address what each government saw as the main problem in Northern Ireland: alienation for Dublin, security problems for London. The AIA was the institutionalisation of intergovernmental co-operation through a newly created body, the Intergovernmental Conference (IGC). The

two governments created a unified mechanism to deal with what at times were diverging analyses.

Fancy legal footwork

The preamble to the AIA was a statement of shared values by the two governments. The opening sentence illustrated the difficulties the two governments faced due to the Irish constitutional claim on Northern Ireland. The British version noted the Agreement was between "the Government of the United Kingdom of Great Britain and Northern Ireland" whereas the Irish version referred to the "Agreement between the Government of Ireland and the Government of the United Kingdom". Article 2 of the Irish Constitution defined the national territory as "the whole island of Ireland".[1] As a result the British could note that it was making the agreement with the Republic of Ireland, implicitly recognising partition, but Dublin used the term 'Ireland' and made no reference to Northern Ireland.[2] For the Irish to recognise partition by using the official title of 'the United Kingdom of Great Britain and Northern Ireland' would have increase the chances of a successful challenge to the agreement on the grounds that it conflicted with the Irish constitution.[3]

Identifying shared values

The preamble stated the purpose of the Agreement was the "diminishing the divisions…and achieving lasting peace and stability" in Northern Ireland. The preamble acknowledged the existence of "two major traditions" in Ireland. Garret FitzGerald and Margaret Thatcher had noted the existence of different traditions, with different aspirations in Northern Ireland in 1981and the phrasing used in the AIA echoed that contained in the

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[1] Connolly op. cit. p.112.
[2] Boyle and Hadden op. cit. p.15
[3] Such a challenge was made, unsuccessfully, in the Irish courts in *McGimpsey & McGimpsey v. Ireland* in 1988. For a legal discussion of the case see *Ibid.* p.13 and pp. 19-22.

New Ireland Forum report.[4] The two governments also reaffirmed their rejection of the use of violence "to promote political objectives." However, the preamble was also careful to recognise not only the existence of two traditions but also to stress the validity of the aspirations of each, as long as pursued "by peaceful and constitutional means". The section ended with the two governments pledging themselves to a Northern Ireland society free from discrimination where each community can "participate fully in the structures and processes of government".

The preamble was an important and succinct summation of the goals of the two governments, containing the main objectives for each government - the importance and primacy of which had been debated over the preceding months. The goal of reducing violence was undoubtedly of great importance to both governments, but the issue of how to fulfil this goal was the area of contention. As will be discussed in more detail below, for the Irish in particular, nationalist alienation from the state in Northern Ireland was an important contributory factor to republican violence and the rise of Sinn Féin. The pledging of the creation of a society free from discrimination where each tradition was respected and the right of nationalists to work peacefully for a united Ireland was accepted was an attempt to address the problems of nationalist alienation. For the British (and especially Mrs Thatcher) the problem was a security one, and so a pledge that each government would work towards ensuring those who pursued violence would not succeed was aimed at securing greater practical cooperation from Dublin in tackling republican violence. These general points and the differences in the priorities of the two governments are well reflected in the AIA. To this end it is possible to identify which articles of the AIA are primarily addressing the concerns of each government.

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[4] *Ibid.* pp.16-17

Ascertaining the purpose of the Articles of the AIA.

In Article 1 the two governments jointly pledged that the status of Northern Ireland could only be changed "with the consent of a majority of the people of Northern Ireland." (Article 1 paragraph (a)). The agreement recognised that the majority in Northern Ireland wished that there be no change in its status (1b). The two governments declared that if in the future a majority in Northern Ireland wished to see a united Ireland established they would "introduce and support" legislation "to give effect to that wish". (1c).[5] The purpose of this article was an attempt to assure both sides in Northern Ireland that their position was valid. The desire for a united Ireland was an acceptable and attainable goal if a majority of the people in Northern Ireland could be persuaded of its value. Similarly the Unionist position was secure, as the status of Northern Ireland could not be changed without agreement of the majority.[6] (Though the reaction of the Unionist community was to demonstrate they were far from assured).

Articles addressing Dublin's analysis:

The South as spokesperson for Northern nationalism.

In terms of Anglo-Irish relations the most significant article of the AIA was Article 2, which dealt with the creation of the Intergovernmental Conference (IGC). Legally the Conference was under the auspices of the Intergovernmental Council set up at the November 1981 summit. However practically the new IGC had a far more defined role than the previous Council. The IGC was specifically "concerned with Northern Ireland and with relations between the two parts of Ireland…" The IGC would act in four specified

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[5] This last point was to be an important factor in the Hume-Adams talks of 1988 with Hume claiming it illustrated that the British were neutral in regard to Northern Ireland.

[6] Douglas Hurd argues that this was the most important gain for the British in the AIA, the acceptance by Dublin of the need for the agreement of a majority within Northern Ireland to constitutional change. Hurd cites this as more important than the security issue, though he acknowledges for Mrs Thatcher security was more important. Lord Hurd interview with the author. Unionists were though angry that, unlike in the 1973

areas: political matters; security and related matters; legal matters and promoting cross-border cooperation. (Art 2a) Article 2 contained what for the Irish was the most important part of the AIA. Under the article the British "accept that the Irish Government will put forward views and proposals on matters relating to Northern Ireland within the field of activity of the Conference in so far as those matters are not the responsibility of a devolved administration in Northern Ireland" (Art. 2b). For the Irish this constituted an undertaking by the British to consult them over Northern Ireland affairs. It appeared to be a reversal of the British view of the early 1980s when Mrs Thatcher had told the House of Commons "that no commitment exists for Her Majesty's Government to consult the Irish Government on matters affecting Northern Ireland".[7] During the negotiations much of the discussion had centred upon the Irish claims that they needed to have an executive role in order to address nationalist alienation, and the British assertion that a consultative role was all that could be offered as no derogation of sovereignty could be countenanced. The negotiations resulted in the compromise statement, which stipulated, "In the interest of promoting peace and stability, determined efforts shall be made through the Conference to resolve any differences". This pledge to attempt to resolve differences via the IGC was to enable the Irish Government to claim that the British had ceded to the Irish a real role in Northern Ireland. Garret FitzGerald told the Dáil the Irish position was "beyond a consultative role but necessarily, because of the sovereignty issue, falling short of an executive role…"[8] Article 2b also stated clearly that that there was no derogation of sovereignty. To this end there was no undertaking to comply with the concerns of the Irish Government regarding Northern Ireland, or even theoretically to consult them. The only right the Irish had was to put forward their views and proposals to the British. (The failure of the British to consult

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Sunningdale Agreement, the status of Northern Ireland was not explicitly stated in the AIA. The reason for this was the need to insulate the agreement from a legal challenge in the Irish courts, as discussed above.

[7] *Irish Times* 30 July 1982

[8] *Parliamentary Debates. Dáil Éireann* 19 November 1985, col. 2562-2563.

the Irish - for example over the decision not to bring prosecutions as a result of the and Stalker/Sampson report in 1988- was to lead to accusations that the British were acting against the spirit, if not the letter, of the AIA).

Almost all the remaining articles of the agreement are concerned with the details of how the IGC would function and its powers and limitations. Article 3 asserted that the IGC would meet at Ministerial or official level and pledged the meetings would be regular and frequent with each side having the power to convene a special meeting by request. Membership of the IGC was not fixed but at Ministerial level it was to be jointly chaired by the NISS and "the permanent Irish Ministerial representative" (the Minister of Foreign Affairs since its inception). Other ministers could attend depending on what was being discussed and by convention the heads of the RUC and Garda Síochána (Irish police force) were present for at least some of all meetings. Article 3 also provided for the IGC to have a permanent Secretariat -which was housed in Maryfield in Belfast. (The permanent presence of Dublin civil servants in Northern Ireland was one of the most contentious parts of the AIA for the Unionists and one of the key demands of the Irish Government[9].)

Devolution

Article 4 noted the desire of the British Government to secure devolution to Northern Ireland and noted the Irish government "support that policy" (4b). It was acknowledged, however, that devolution required the co-operation of the constitutional parties of both traditions (4c). This effectively gave the SDLP a veto on devolution, as without them it would not be possible to secure the co-operation of both traditions. This was not in itself a new pledge. Prior's Rolling Devolution plan's need for a weighted majority and cross-

[9] Hadden and Boyle op. cit. p.28.

community support for devolving powers ensured that no devolution was possible without the SDLP acquiescence.

Nationalist alienation.

Article 5, 6 and 7 were directly concerned with the issues that the Irish argued contributed to nationalist alienation. Under Article 5 the IGC would examine "measures to recognise and accommodate the rights and identities of the two traditions in Northern Ireland, to protect human rights and to prevent discrimination". The types of issue that the article cites as areas to be examined included some of the most high profile issues, which it had been argued contributed to alienation, notably the Flags and Emblems issue and an examination of the case for a Bill of Rights (5a). Under Article 5 the Southern government were formally given the role of spokesperson for the nationalist community in the North in the absence of devolution. Through the IGC "the Irish Government may, where the interests of the minority community are significantly or especially affected, put forward views on proposals for major legislation and on major policy issues…" (5c). The purpose of this article was to provide the nationalist community with the sense that it had a channel to air its grievances in the hope that this would reduce the feelings of alienation. However, it also had the secondary purpose of attempting to persuade the Unionists to consider co-operating with nationalists towards devolution, as without devolution the role of the Irish government in Northern Irish affairs would be greater than if there was a devolved structure in the North. (This issue is discussed in more detail below under the debate surrounding 'coercive consociation').

Article 6 gave the South a right to express views regarding the role and personnel of various bodies dealing with the issues of human rights, fair employment and police complaints, all bodies dealing with areas of traditional nationalist grievances. Article 7

concerned attempting to address the alienation of the nationalists from the security services in Northern Ireland. The article noted the need to make "the security forces more readily accepted by the nationalist community". The IGC pledged to examine various ways of making the security services more acceptable to nationalists and increasing that community's participation in the services.

Articles addressing London's analysis

Extradition.

If many of the preceding articles were designed to reduce nationalist alienation, thus addressing concerns primarily associated with the Irish government, Articles 8 and 9 addressed, to a greater extent, issues more traditionally associated with British government concerns. For the British republican violence was primarily seen as a security problem. To this end the British wished to secure greater co-operation from the Irish government in security matters, especially in terms of extradition (long an issue of contention between the two states). The reluctance of Irish courts to extradite suspected terrorists to Northern Ireland had caused concern and annoyance over the years in Britain. The cases of Dominic McGlinchey who was extradited to Northern Ireland by a Dublin court in December 1982, and Seamus Shannon, extradited in July 1984, were well received by the British government. These extraditions appeared to suggest that the Irish Courts were increasingly reluctant to accept that violence perpetrated in Northern Ireland was a political offence (the traditional defence in such cases).[10] Extradition had been a problem since the early 1970s and indeed one of the few parts of the Sunningdale Agreement to survive was the establishment of the powers to allow terrorists who had committed offences in the North to be tried in the South (so called 'extra-territorial jurisdiction'). This was not widely used,

however. The Irish defended their record on extradition claiming that of 116 requests for extradition from the South to the North between 1971-1985, the Irish authorities had endorsed 103 and 87 extraditions had occurred.[11] Whatever the reality of the numbers, the perception at least remained that the Irish were reluctant to extradite terrorist suspects, thus providing a safe-haven for IRA gunmen. The issue of extradition was frequently raised during Northern Ireland questions in the House of Commons. The standard response to this was that the Irish were providing excellent help in combating terrorism but extradition would be helpful.[12] To this end article 8 pledged the Conference would consider "policy aspects of extradition and extra-territorial jurisdiction as between North and South". However, there was a 'price' to be paid as this article also mentioned that the issue of the possibility of mixed courts sitting in both jurisdictions would be examined. The Irish were keen to see terrorists tried in courts where judges from both North and South sat in judgement. This, it was hoped, would have the advantage of removing the claims of partiality often levelled against the Northern Irish judiciary, perhaps reduce the need for extradition, and provide an over-haul of the one-judge Diplock courts whose use in the North was a matter of contention. The two issues were to be linked. During the negotiations there was an agreement that the Irish would sign the European Convention on the Suppression of Terrorism (ECST) –making it harder to claim political motivation as a defence for terrorist activity- and in return the British would review the Diplock courts system. (The Irish did announce at the time of the signing of the AIA its intention to sign the ECST and it was signed by the Irish in Strasbourg 24 February 1986,[13] although the Dáil did not ratify it until 1987. The British for their part did not overhaul the Diplock

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[10] See *Irish Times* 8 December 1982 and 1 August 1984 for more details. For an in-depth analysis of the legal position regarding extradition from the South and a discussion of both cases see Michael Forde, *Extradition Law in Ireland*, Dublin, 1995.
[11] *Financial Times* 16 November 1985.
[12] See for example Jim Prior's comments House of Commons *Debates* 1 July 1982, vol.26 col.1027, and Mrs Thatcher's remarks *Ibid.* 17 May 1984, vol.60 col. 506.
[13] *Irish Times* 25 February 1986.

courts nor were mixed courts set up. Even though the Irish signed and ratified the ECST the issue of extradition was to remain a contentious one in Anglo-Irish affairs.)

Cross-border police co-operation

The final article of substance in the agreement, Article 9, again addressed issues of concern to the British. Whilst publicly the British always claimed co-operation with the South was good in the pursuit and prevention of terrorists and terrorist activity, privately it was felt that poor RUC-Garda relations and poor training and intelligence use by the South was hampering effectiveness. Margaret Thatcher notes that co-operation between the governments was good and the Irish did indeed devote more per-capita to security than the British. "The real area of difficulty lay in cross-border co-operation between the Garda and the RUC. In spite of our efforts to help, Garda training and use of information were unsatisfactory. These short comings were worsened by personal mistrust between Garda and RUC personnel".[14] Although it is impossible to judge the 'effectiveness' of the Garda intelligence and training, what was evident at this time was a serious and visible rift in relations between the head of the Garda, Laurence Wren, and the RUC Chief Constable, John Hermon. The cause of this rift was a somewhat bizarre incident dating back to September 1982, known as the Dowra affair.[15] Relations deteriorated further in May 1985 when Hermon claimed that materials and personnel for a bomb exploded in Newry had come from the South. It was later acknowledged that there was no evidence that this was the case.[16] The poor relationship eventually led to questions in the House. Hurd stressed that co-operation between the two forces was good. He did acknowledge that this "must be

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[14] Thatcher op. cit. p.397

[15] The RUC apparently held a man, James McGovern, at the request of garda officers in Dublin, on the day he was due in court in Dowra, Co. Cavan, to give evidence against a garda officer accused of assault. When McGovern did not turn up the case was dropped. As a result of the affair Wren refused an invitation to meet Hermon in November 1983. *Irish Times* 30 November 1983. See also Sir John Hermon, *Holding The Line. An autobiography*. Dublin 1997 pp.137-149.

[16] *Irish Times*, 22 May 1985.

buttressed by regular meetings at senior level between the two police forces, and I would hope that it could be regarded as a matter of course that the two chiefs of the police forces should also meet from time to time".[17] (The two did meet in December 1985, the first meeting since February 1983).[18]

Article 9 directly addressed this problem of poor Garda-RUC relations and the doubts that the British had over the effectiveness of the Garda. The Conference was to "set in hand a programme of work to be undertaken by the Commissioner of the Garda Síochána and the Chief Constable of the RUC…in such areas as threat assessments, exchanges of information, liaison structures, technical co-operation, training of personnel and operational resources"(9a). The AIA stated though that the IGC would not have "operational responsibilities" with the heads of each force retaining complete control over its operations. This new structure and the regular IGC meetings did have the desired effect of forcing the two chiefs into more frequent contact.[19] As a result of this article the RUC and Garda set up Joint Working Parties. Hermon himself records that "relationships between the participants were excellent" but he claims that "many of the positive proposals advanced were never approved at Conference level" due to an unwillingness by the Irish Government to restructure the Garda.[20] Hermon does though praise an element of the AIA. According to the RUC Chief Constable "whatever else, it provided the impetus and vehicle for the Republic of Ireland to enhance its level of attrition against republican terrorists" and records that he established "cordial relations" with several of the Irish staff at the Joint

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[17] House of Commons *Debates* 13 June 1985. Vol.80 col.1004
[18] *Irish Times* 3 December 1985.
[19] John Hermon records that when the two met in December 1985, "We shook hands and I found him at least as easy going as when I had first got to know him nine years earlier; the Dowra affair appeared to have been forgotten. Clearly, the Agreement had already achieved something positive". Hermon op. cit p.182.
[20] *Ibid.* p.195. FitzGerald rejects the idea that the Irish were reluctant to act on security concerns, see discussion on p. 192 below.

Secretariat with whom "we enjoyed open and frank discussions on many matters".[21]

II A critical analysis of academic explanations of the purpose of the Anglo-Irish Agreement

It has already been noted that the wording of the AIA was ambiguous, but the purpose of the AIA was also unclear. Whilst at a surface level the purpose was, as the joint communiqué stated, the "achieving (of) lasting peace and stability", this is not an adequate explanation. Various more specific goals have been attributed to the AIA by academics. The purpose of this section is to examine the various explanations that have been offered for the AIA and to analyse how persuasive each one is as a goal of the British and Irish governments. As the AIA is the result of intergovernmental negotiation to be viable an explanation must have an identifiable advantage to one or both governments.

- *Security*

Part of the AIA specifically focused on security issues and ways of improving intergovernmental co-operation in the combating of terrorism. It has also been widely accepted that security considerations were to the fore in negotiating the AIA. For Mrs Thatcher in particular security concerns seem to have been the key motivation in agreeing to the AIA. As was noted earlier Mrs Thatcher saw Anglo-Irish co-operation primarily in terms of security co-operation and would contemplate "making limited political concessions to the South" to achieve this.[22] David Goodall, the British civil servant responsible for most of the day-to-day negotiations of the AIA for the British, confirms that Mrs Thatcher's over-riding concern was security. Goodall noted Mrs Thatcher was, "interested primarily in finding ways of improving the security situation, and in particular

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[21] Hermon op. cit. p.182.
[22] Thatcher op. cit. p.385

of improving cross border cooperation against terrorism between the British and Irish security forces." Goodall argues Thatcher was "prepared to pay a price for this but.... I do not believe she had any clear idea of what that price might be".[23] One of the difficulties in this respect was the fact that Mrs Thatcher felt the 'price' should be comparatively low. In the early stages of the negotiations the British were contemplating "a large agreement" where the Irish removed Articles 2 and 3 from their constitution and there was "some form of shared sovereignty" in return.[24] Mrs Thatcher though believed that the price for removing articles 2 and 3 should not be that high as she believed the claims should not be in the Irish constitution in the first place.[25] Periodically Mrs Thatcher would question the scope of the agreement and contemplate a purely security based agreement with perhaps some element of repartition.[26]

Whilst security seems to have been the major factor in explaining Mrs Thatcher's motivation for negotiating the AIA, it is not an acceptable explanation for most of the other participants involved. O'Leary and McGarry have pointed out that the security situation in the mid-1980s was better than in the mid-1970s and the security situation in Northern Ireland deteriorated after the AIA was signed.[27] Statistically this is beyond question, for example in 1974 there had been 216 deaths and 1,113 bombs planted, in 1984 there were 64 deaths, and 248 bombs planted. In 1987 the numbers had risen to 93 and 674 respectively.[28] The numerical reduction in the level of violence alone does not invalidate the security as motivation argument. Although the level of the violence in the mid-1980s was far lower than in the mid-1970s (and was increasingly accounted for by Northern Irish

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[23] Sir David Goodall, 'The Irish Question' op. cit. p.130.
[24] Robert Andrew, ICBH seminar op. cit. p.29.
[25] *Ibid.* p.23
[26] Thatcher op. cit. p.398, Howe op. cit. p.320, Mark Stuart op. cit. p.140, and FitzGerald op. cit. p.517.
[27] B. O'Leary and J McGarry *The Politics of Antagonism*, op. cit. p.231.
[28] Bew and Gillespie op. cit. pp. 183, 96 and 209.

members of the security forces rather than 'British' army personnel)[29] this does not mean that such a level of violence was 'acceptable'. If the AIA would help reduce the level of violence as a result of better security co-operation it would have been a viable reason for the agreement. It appears though that at least some of the main participants accepted that the AIA was likely to destabilise the situation in Northern Ireland due to the anticipated Unionist reaction. It has been claimed that the two governments underestimated the likely reaction of the Unionists.[30] However, David Goodall questions this. "It was pretty obvious that the Unionists were going to object to it.... I think a very hostile Unionist reaction was expected...it might have gone much further...it didn't bring the Province to a halt like the Workers Strike after Sunningdale. I think the depth of Unionist anger may have taken the Prime Minister by surprise, perhaps..."[31] Robert Andrew has made a similar point rejecting the idea that the NIO underestimated the likely Unionist response.[32] It is interesting that both Goodall and Armstrong, officials who were involved in the negotiating of the AIA argue that the Unionist reaction was expected. Goodall suggests that Thatcher may have been surprised by their reaction and Tom King claims "considering the amount of trouble it raised in Northern Ireland, I don't think I was adequately warned".[33] Whilst obviously too much cannot be read into such comments, they do serve to illustrate that at least some people on the British side anticipated a likely hostile Unionist reaction. Such a reaction would at least increase the possibility of rising levels of violence and thus a deteriorating security situation in the short term. As a result factors other than security need to be examined to explain the signing of the AIA. This is not to say that security concerns were not a consideration for those involved in negotiating the AIA, they were. However any gains in the security arena were only likely in the longer term and the

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[29] W D Flackes and S Elliot op. cit. p.411.
[30] B. O`Leary in P. Teague (ed.) *Beyond the Rhetoric* op. cit. p.21.
[31] Sir David Goodall, interview with the author.
[32] ICBH seminar op. cit. p.40

security situation in Northern Ireland was improving in the run up to the AIA. The importance of security issues for some on the British side was its use as a tool to persuade Mrs Thatcher of the advantages of the exercise. Geoffrey Howe is clear on this point, noting how the issue of security was used by the British negotiators to persuade Mrs Thatcher to pursue the AIA, which for them was at least partly, directed to different ends. "If we wanted more effective cross-border security co-operation from the Irish government - as we all did, and Margaret most of all - then they had to be able to demonstrate an enhancement of their political role in the affairs of the Province. This less than heroic argument enabled us to keep both the Prime Minister and Cabinet sceptically in step and supportive of the continued search for a balanced package."[34]

For the Irish security was also a consideration but was interpreted in a different manner. For Dublin the security issue was about increasing the willingness of nationalists in Northern Ireland to accept and interact with the security forces, to this end it was firmly linked to the issue of nationalist alienation.[35] So whilst some in the British team used the idea of increased security co-operation as the carrot to keep Mrs Thatcher on board, the Irish used the same 'carrot' as a way to negotiate a package that would address what they felt were the factors leading to nationalist alienation. This alienation they believed prevented the minority community in the North from accepting the security forces and thus provided the framework in which the IRA could operate. This is one of the main differences between the two governments (and especially between the two leaders). Thatcher saw the issue of republican violence in security terms, increase security measures and co-operation from the South and you would be able to effectively decrease IRA violence. FitzGerald saw the issue of republican violence as a corollary of nationalist

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[33] *Ibid.* p.40.
[34] Howe op. cit. p.417.

alienation, reduce that alienation and you reduced the capacity for the IRA to operate. Whilst both wanted to reduce republican violence in the North their prescriptions for doing so were very different and largely contradictory. This difference was at the heart of many of the intergovernmental disputes in the first few years of the AIA's operation.

- *Nationalist alienation*

This argument is closely associated with the Irish government and in particular with Garret FitzGerald. According to this theory the nationalist community in Northern Ireland was alienated from the institutions of the state. The reasons for this alienation are partly historic (about which little could be done) and partly structural (which could be addressed). As a result of the perceived bias of the institutions and agents of the state (especially the legal structure: judiciary and security forces) against the nationalist community that community was unwilling to involve itself in the governing or policing of Northern Ireland. It was in this vacuum that the IRA was allowed to operate. This alienation did not mean every nationalist was a terrorist or terrorist supporter but dealing with the terrorists was greatly hampered by the scepticism and suspicion with which the minority community viewed the agents of the state. To this end if steps could be taken to address the issues that contributed to this alienation, the nationalist community would become more reconciled to the institutions of Northern Ireland and the support for/toleration of terrorist activity would be reduced. The nationalist alienation theory is important in explaining why the Irish pursued the path that led to the AIA. According to FitzGerald the aim of the Irish government in signing the AIA was not to secure a say in Northern Ireland for its own sake but as a necessity to reduce nationalist alienation. "These were not things that we sought because we wanted to be more involved in the difficult situation there; on the contrary, it

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[35] FitzGerald op. cit. p.518

was with great reluctance that we were prepared to take on responsibility without power - always a dangerous thing to do."[36]

Whilst the desire to reduce alienation was undoubtedly a primary motive for FitzGerald it needs to be set in context. In 1981 FitzGerald had stated "we have always understood that the future of Northern Ireland will not be shaped by politicians or civil servants in London and Dublin aiming mirrors at Belfast and Derry. Ultimately it will be decided by Irishmen and women acting together in Ireland".[37] This was a clear expression of his view that what was needed was dialogue within Northern Ireland between the two traditions. FitzGerald made this statement as part of his explanation of how his position differed from that of Charles Haughey during the 1981 Irish general election. Yet the whole basis of the AIA was discussion between London and Dublin, (whilst actually trying to shield the mirrors from Belfast if not Derry). The reason for this about-turn by FitzGerald was that although nationalist alienation was not a new phenomenon, it did find a new avenue of expression after the 1981 hunger strikes: votes for Sinn Féin. The decision by Sinn Féin in the post hunger strikes period to contest elections was to have a very concentrating effect on the Irish and British governments. In their first major election campaign in the 1982 Assembly elections Sinn Féin polled 10.1% of the first preference votes, whilst contesting only seven of the twelve constituencies. The SDLP by comparison polled 18.8% of first preference votes. The fear that Sinn Féin appeared to be ascendant at the expense of the constitutional SDLP was increased in the 1983 Westminster election. Sinn Féin saw its vote increase to 13.4% and Gerry Adams took the West Belfast seat from the veteran nationalist MP (and

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[36] *Ibid.* p. 543. For a more succinct explanation of his views regarding alienation see Garret FitzGerald's "The origins and rationale of the Anglo-Irish Agreement of 1985", in Dermot Keogh and Michael H Haltzel (eds.) *Northern Ireland and the Politics of Reconciliation*. Cambridge University Press. 1993.
[37] *Irish Times* 1 July 1981.

ex-SDLP leader) Gerry Fitt. The SDLP's vote slid to 17.9%.[38] The reason that this was of particular concern to Dublin was the fear that if the SDLP was replaced by Sinn Féin as the voice of nationalists in the North finding an accommodation between the two traditions in Northern Ireland would be far more difficult. This, along with fear that Sinn Fein could make electoral inroads in the Republic, account for FitzGerald's change of tack with regard to Northern Irish policy. This change of tack is not necessarily inconsistent with FitzGerald's stated aim of achieving reconciliation between the communities in Northern Ireland. The AIA can be seen as an attempt by FitzGerald to prevent Sinn Féin displacing the SDLP in order to preserve the hope of inter-communal agreement in the future. (The problem with such a policy is that it could only work if the AIA did not alienate Unionists to the extent that accommodation became less likely than before).

The idea of the electoral rise of Sinn Fein as the key to the Irish motivation for the AIA is slightly undermined by FitzGerald himself. FitzGerald records that he asked Hume not to tell Thatcher that the SDLP would perform well in relation to Sinn Féin in the 1985 local election.[39] The reason for this reluctance to let the British know that the rise of Sinn Fein had probably peaked was, according to FitzGerald, because "it was the perceived menace of the SDLP losing ground to Sinn Fein that had provided in the first instance the underlying logic of the agreement we were seeking with the British government".[40] The fear of Sinn Féin's electoral success was then the spur that led FitzGerald to seek an Anglo-Irish agreement, based as it was on his theory regarding the dangers of nationalist alienation. Once it appeared that the rise of Sinn Féin may not have been the menace it

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[38] Flackes and Elliot op. cit. pp 339-345. Sinn Féin contested 14 seats, the SDLP all 17. Bew and Gillespie have pointed out that actually the greatest decline in the SDLP's share of the vote had occurred between 1975-1979. However, they note that most observers overlooked this and there was a widespread belief that Sinn Féin would overtake the SDLP. Bew and Gillespie op. cit. p. 170.
[39] FitzGerald op. cit. p.529.
[40] *Ibid.* p.529.

had originally appeared it did not undermine the negotiations to any great extent as by then they "had gained a momentum of their own..."[41] But the rise of Sinn Féin was undoubtedly the vital original consideration for FitzGerald.

So if nationalist alienation is largely a convincing explanation for the motivation of the Irish government in pursuing the AIA, how useful is it as a tool in explaining British motivation? There is no doubt that the British were worried by the rise of Sinn Féin. Not only did Mrs Thatcher acknowledge as much in the House of Commons after her 1984 meeting with Garret FitzGerald, but in 1983 Jim Prior had told the Conservative Backbench Committee on Northern Ireland of his fear that the rise of Sinn Féin could lead to Ireland becoming "a Cuba of our western coast".[42] This acceptance that the electoral advancement of Sinn Féin was undesirable did not mean that the British accepted the rest of the nationalist alienation thesis. Douglas Hurd acknowledges that there was a problem in some respects regarding the participation of nationalists in Northern Ireland but questions if it was as extensive as FitzGerald and Hume claimed. "I don't think we ever accepted the phrase alienation because there were a lot of Catholics, a lot of nationalists, who were actually co-operating perfectly well. But a lot of the things that direct rule tried to do in housing, education, labour laws and so on were really designed to bring the nationalist community more into the actual daily working of the Province. So there was a truth behind the phrase even though I think the phrase was rather over-used".[43] (Thatcher for her part disliked the word 'alienation' as she felt it had Marxist connotations and Sir David Goodall claims its use had "a rebarbative effect" on her).[44] But at a more basic level the alienation thesis is not as acceptable an explanation of British motivation as it is for the Irish. The

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[41] *Ibid.* p.532.
[42] *Irish Times*, 11 November 1983.
[43] Lord Hurd, interview with the author.

British were sceptical of the Irish belief that the way to reduce nationalist alienation was to give the South a voice in the North and effectively allow it to be a channel for the complaints of the nationalist community. Douglas Hurd recorded in his diary his doubts on this issue in March 1985 arguing, "the truth is that we want a minimalist agreement, because we don't accept their [the Irish government's] basic analysis, which is that their involvement will rally the minority in a few months".[45]

Given this scepticism how can we explain the fact that the Irish were given the role as spokesmen for the nationalist community under the AIA? The reason again seems to be that it was the price that Thatcher was persuaded she had to pay for what she wanted: increased security cooperation. The two issues of security and nationalist alienation are inextricably linked but the relationship between the two was subject to different interpretations by London and Dublin. The British (and especially Thatcher) placed primacy on the security aspect and accepted an increased role for Dublin in Northern Ireland as a necessary trade-off for security cooperation. The Irish could not agree to increase security cooperation without an increased say in the non-security-related affairs of the North. To some extent the differences between the two sides resembled a chicken and egg scenario. The Irish believed nationalist alienation led to a poor security situation in the North; the British believed that increased security could remove the men of violence who were preventing nationalists participating fully in the institutions of Northern Ireland. Whilst neither side accepted the other's analysis of the problem, each side appeared willing to trade what the other wanted in return for advancing their own agenda.

- *Coercive Consociationalism.*

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[44] Sir David Goodall, interview with the author. Howe also notes that Thatcher felt it had "a Marxist ring" Howe op. cit. p.416.

Brendan O'Leary and John McGarry have argued that the AIA can be seen as an exercise in coercive consociation (power-sharing). According to this theory the AIA was designed as a rational power game whose purpose was to coerce Unionists into accepting a new version of the Sunningdale agreement.[46] This interpretation rests on the provision contained in the AIA that in the absence of a devolved government in Northern Ireland Dublin takes on the role as spokesperson for the nationalist community and has a wide ranging (albeit consultative) role in Northern Irish affairs. Articles 1b and 5c clearly state the South could only discuss matters not devolved to a Northern Ireland administration. The reduction in the role of the South if there was a devolved assembly was seen as an incentive to Unionists to work for devolution. The most abhorrent part of the AIA for the Unionists was the idea of Dublin having an input into the affairs of Northern Ireland. As a result a mechanism was created by which the Unionists could reduce this role and the scope of IGC discussions.[47] Whilst it is undoubtedly the case that in the event of devolution the role of the IGC would be reduced, what is a matter of debate is whether the securing of devolved government was one of the primary aims of the AIA? Was it the case that the purpose of the AIA was to coerce Unionists into a power-sharing devolved government in Northern Ireland?

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[45] Quoted in Stuart op. cit. p.145.
[46] B. O'Leary and McGarry *Politics of Antagonism* op. cit. p.234, also B. O'Leary "The Anglo-Irish Agreement: Meanings, Explanations, Results and a Defence" in P. Teague (ed.) *Beyond The Rhetoric* op. cit. and B. O'Leary "The limits to coercive consociationalism in Northern Ireland", *Political Studies* xxxvii 4, 1989.
[47] It is important to note that the IGC would not cease to exist if devolution was secured (Bew and Gillespie op. cit. p.189). The Irish were to lose the opportunity to discuss devolved maters in the IGC but the IGC would continue to function. Mrs Thatcher's comments in the aftermath of the signing of the AIA appeared to suggest otherwise (O'Leary and McGarry, *Politics of Antagonism* op. cit. p.234). Similarly Haughey in his criticism of the agreement also claimed the IGC would "ultimately self destruct by setting up a new administration which will take over its functions" (*Parliamentary Debates. Dáil Éireann* 19 November 1985, vol.361 col.2598.) FitzGerald explicitly stated the legal position noting "It is extremely important to understand that even in the event of devolution the Conference will still have a wide range of functions..." (*Ibid.* col.2564).

Statements can certainly be found which appear to support the view that the British and Irish hoped the possibility of reducing the South's role would tempt the Unionists to pursue devolution. Sir David Goodall argued that the AIA "offers the Unionists an inducement to come to an accommodation with the nationalists by providing that if both communities can agree on a system of devolved government for the Province, the role accorded to the Irish Government in the Province's affairs will to a large extent lapse."[48] Similarly the Irish Tánaiste, Dick Spring, told the Dáil "The agreement provides a stimulus to efforts within the North to find effective structures for devolution which will have widespread acceptance. As we have made clear, our involvement in devolved matters will cease when those structures are agreed by both communities".[49] However, although such statements show the two governments were in favour of a devolved government in Northern Ireland they do not support the view that securing devolution was *the* (or even one of the) primary purposes of the AIA. It is clear from the statement of the Northern Ireland Minister, Nick Scott that by March 1985 the British believed that full power-sharing "was ruled out by the opposition of some parties in the province".[50] The idea of forcing Unionists into a devolved government does not appear to have had much influence upon Mrs Thatcher. [51] The coercive consociation as motivation argument is also undermined by the evidence that Douglas Hurd appeared to be anticipating a trade-off between an Irish dimension and majority rule in the North. When he was first told of the Anglo-Irish discussions upon becoming NISS Hurd recorded in his diary, "my own mind clears. I think the answer may be an Irish dimension, as the SDLP want, plus majority rule as a safeguard, which is what the Unionists want".[52] The fact that Hurd felt the way forward may be to trade off an Irish

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[48] Goodall *Ampelforth Journal* op. cit. p.131
[49] *Parliamentary Debates. Dáil Éireann*, 20 November 1985, vol. 361, col.12713.
[50] Paul Dixon *Northern Ireland* op. cit. pp.200-201
[51] *Ibid.*
[52] Mark Stuart op. cit. p.138.

dimension against majority rule undermines the argument that securing power-sharing was a primary aim in negotiating the AIA.

It is now clear that whilst many on the British side favoured power-sharing devolution they did not believe it was achievable.[53] Sir David Goodall notes that the "question of getting a devolved government going in the North was a sort of underlying theme really of the negotiations in the sense that it was what the Northern Ireland Office and the British Government had always [wanted]". The NIO argued that the inclusion of an Irish dimension would reduce the Unionist's likelihood of entering into devolved government. The fact that the negotiators believed the Unionists would not enter a power-sharing devolved structure anyway (the only type that the SDLP would agree to) undermined this argument. Goodall recalls "I remember saying to Robert Andrew 'are you arguing…that if we don't have an agreement that the Unionists are more likely to agree [to power-sharing devolution]?' and the answer to that was, of course, no, as they weren't likely to agree anyway to work with the SDLP".[54] So the mechanism to reduce the role of the Irish if devolution was secured was not seen by the British as one of the key reasons for the AIA. Hurd agrees with Goodall that the desire for devolution "in principle was right and we should aim for it" but it was not the pressing concern of the negotiations. As Hurd put it "it wasn't the sort of thing you got up in the morning and thought 'what can we do for devolution today'".[55]

Bew, Patterson and Teague have argued that the desire to secure devolved government in the North was more important for the Irish than the British. This, they argue, is the reason

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[53] The British side appear split on this issue as on the Irish government's role between those whom Bew Gibbon and Patterson call the 'maximalists': Armstrong, Goodall and Howe, and the minimalists (Thatcher, Hurd and Andrews, , *Northern Ireland 1921-994* op. cit. p.213

[54]Sir David Goodall, interview with the author.

the Irish pushed to have the right of consultation on matters that could be devolved to Northern Ireland.[56] FitzGerald's account would appear to support this assertion. FitzGerald makes it clear that the Irish felt it was important to build in the incentive for Unionists to seek devolution. The British were, according to FitzGerald, reticent about including the areas of possible devolution in the remit of the proposed IGC. The Irish saw this as a very important omission as "this would remove an incentive to Unionists to agree to devolution in order to reduce the role of the proposed body. This was to become thenceforth a major issue between us".[57] The Irish believed that if there was an Irish dimension of substance the SDLP would participate in a power-sharing government and FitzGerald sought assurances from John Hume on this point, which he passed on to Margaret Thatcher.[58] So with this undertaking from the SDLP, and the mechanism for a declining Irish role in the IGC to persuade Unionists, it may be that the Irish were more inclined to view the AIA as a tool towards coercive consociationalism. However, even for the Irish this appears to be at best a secondary consideration. It is not the case that the Irish were unaware of problems that a consultative role being acceded to Dublin would cause to the task of persuading the Unionists to enter a power-sharing structure in Northern Ireland. One of the key Irish negotiators remembers the British making this point in no uncertain terms during the negotiations:

> "I have a strong memory of the British constantly saying to us, 'Look, if you get this consultative role, power-sharing must be deferred indefinitely because they both won't work together. Unionists won't come in on those terms'. So the structure was built in such a way, as there was an incentive for the Unionists to come in, which we thought would be attractive to them. But I suppose the emphasis was generally on the consultative role for Dublin, it was 'Dublin in' rather than 'Brits out' if you like".[59]

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[55] Lord Hurd, interview with the author.
[56] Bew, Patterson and Teague op. cit. pp.59-60.
[57] FitzGerald op. cit. p. 531.
[58] *Ibid.* p.540.
[59] Noel Dorr, interview with the author.

The Irish were primarily concerned with reducing nationalist alienation, if this could be coupled with a devolved power-sharing executive, all the better. This would further insulate the Irish political environment from Northern Irish affairs. FitzGerald has been explicit on this point arguing that the South's motivation for seeking a role in Northern Ireland is not the traditional republican perceived ideal as seeking incremental movement towards unity. "The only reason is because all along it has been clear since Sunningdale that if there isn't some North-South relationship sufficient to engage the emotions of the nationalist community, they will not settle down in a Northern Ireland which will for an indefinite future be part of the UK. And our objective has to be to get the Nationalist population to settle down to that, because there isn't any other answer, Northern Ireland is part of the UK".[60] The creation of a devolved government in which representatives of the nationalist community participated would obviously aid this process but the first step, for Dublin, had to be to reduce nationalist alienation.

- *Twin Tracks*

Whilst the coercive consociation argument sees the AIA as a conscious policy to create a power-sharing devolved government in Northern Ireland, a less Machiavellian interpretation has been proffered regarding the relationship between the AIA, devolution and the Irish dimension. O'Leary has also argued (a somewhat contradictory position to the coercive consociation argument) that the AIA can be seen as an attempt to separate the issues of the Irish dimension and devolution in Northern Ireland. O'Leary claims that agreements are the result of interactions between different state institutions. In Britain these institutions were the Foreign Office, NIO and Cabinet Office. He argues that in the case of the AIA it was the Foreign Office and Cabinet Office that were the most

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[60] ICBH seminar op. cit. pp.44-45 (emphasis in the original).

influential. As a result a two-track approach was pursued. The 'internal track' sought to encourage the broadest possible agreement within Northern Ireland for an internal settlement, whilst the 'external track' sought to pursue good relations with the Republic and limit the international embarrassment that Northern Ireland caused Britain. According to O'Leary the AIA has both tracks built in and so can be seen to be "broadly consistent with the 'broad thrust' of British policy making in the Province". As such O'Leary appears to see the AIA as a continuation of existing British policy and the formalisation of what was British policy anyway. "Such an interpretation makes better sense of the facts than the coercive power-sharing scenario because it does not assume a comprehensive master plan on the part of the British government".[61] (Although in the same article O'Leary claims that the coercive consociation argument "makes sense" and elsewhere with McGarry has argued that he supports the coercive consociation interpretation.[62]) This view of the AIA as the continuation of the twin track policy of the British (and Irish) governments is partially validated by the records available. Hurd asked Northern Ireland Minister, Chris Patten, in 1984 to "look at the possibility of the 'twin track' strategy: developing not only the relationship between London, Belfast and Dublin, but also an attempt to persuade the political parties to work together in some form of devolved institution in Northern Ireland."[63] This was confirmed by Nicholas Scott in March 1985 when he told the Conservative's Backbench Northern Ireland Committee that a twin-track policy was being pursued, "designed on the one hand to involve Constitutional nationalists in the institutions of Northern Ireland, and on the other to make progress on the Anglo-Irish front". To this end Scott told the Committee that Patten was acting as a "shuttle

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[61] B. O'Leary op. cit. In P Teague (ed.) *Beyond the Rhetoric* op. cit. pp. 24-26.
[62] *Ibid.* p.21 and B. O'Leary and J McGarry *The Politics of Antagonism* op. cit. p.234.
[63] Stuart op. cit. p.137.

diplomatist".[64] However, this is undermined by the fact that months before the AIA was signed the British had accepted that no progress was possible on the internal 'track' and so concentrated on the 'external' one. Patten reported in June to the Committee on the lack of progress he had made in his discussions with the Northern Irish parties. He concluded "The Government were pursuing a twin-track approach which had originally aimed to try to bring both the internal train and the Anglo-Irish train into the station at the same time. This would now be impossible". It was clear that the British were, as a result, concentrating on the external element. Whilst he made hopeful noises that after the AIA was agreed progress may be made on the internal issues, it is clear that the British were at least aware of the possibility that the Unionists would be so alienated by the AIA that they would be less agreeable to considering internal devolution. Patten accurately and succinctly summed up the problems of the zero-sum nature of the SDLP/Unionist relationship when he accepted that an AIA might mean all sides "had at least an idea what the second train might look like. If an Anglo-Irish deal were done then the SDLP might be prepared to get on the train, although there was a risk that this context might alienate the Unionists sufficiently for them to refuse to even talk about progress".[65] This evidence of a belief by the British that progress was not possible on the internal track and that pursuing the external aspect may make devolution harder to secure in the future, undermines the idea that the AIA was a continuation of the twin-track strategy. (The above also further undermines the coercive consociation as motivation argument.) These comments by Patten support the criticism of the twin track policy levelled by Bew Patterson and Teague who claim that "there was little faith in the 'internal track' at the highest levels of British calculation".[66]

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[64] Minutes of the Northern Ireland Committee, 28 March 1985. (The author would like to thank Dr Paul Dixon for copies of these minutes).
[65] *Ibid.* 13 June 1985
[66] Bew, Patterson and Teague, op. cit. p.53.

It is questionable how realistic the 'twin track' strategy ever was. Given the suspicion that Unionists had over the Anglo-Irish talks it was unlikely that they would have been willing to work towards an internal rapprochement with the SDLP whilst the outcome of the Anglo-Irish talks was unclear. As was argued earlier the theory advanced by David Bloomfield regarding the de-linking of the Irish dimension and the internal structures of Northern Ireland's government is unconvincing.[67] Bloomfield echoes the twin track argument to some extent but allows for the emphasis on the 'external' track in the AIA. However, he presents this as a conscious policy of securing agreement on the 'external' aspect in the desire to then advance on the 'internal'. "In effect, de-linking the two sides of the policy had resulted in the decision to impose the one element which was demanded by nationalists and impervious to Unionist objection, in the hope that the resulting altered situation would increase the chances of achieving the other element which was still by definition dependent on 'widespread acceptance'."[68] It is clear that the British were far from hopeful of achieving internal devolution after the AIA was signed. It is not possible to divorce the two issues and hope to make progress on each separately. The leakage between the two spheres and the distorting effect that the increased role for the South had on the views of the Ulster Unionists towards power-sharing in both the short and longer terms makes it hard to envisage the 'twin track' approach as a feasible policy.[69] It is true that for a while the twin track approach was the stated policy of the British government but the British had accepted its impracticability at least five months before the AIA was signed and so it is not a convincing explanation for the AIA.

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[67] See previous chapter for a discussion of David Bloomfield's de-linking thesis in relation to Prior's Rolling Devolution' plan.

[68] David Bloomfield, *Peace making Strategies in Northern Ireland* op. cit. p.47

[69] It could be argued that the eventual signing of the Belfast/Good Friday Agreement in 1998 shows that a 'twin track' strategy was eventually successful. However, such an interpretation is too sweeping and risks investing the British and Irish policy makers of 1985 with an omnipotence that is impossible to substantiate.

- *International Pressure*

An underlying theme of the AIA negotiations was the consideration of the international dimension and international opinion. Margaret Thatcher's memoirs note in several places a concern at improving the international (primarily American) opinion of the British role in Northern Ireland.[70] Indeed she goes so far as to cite the problems that it would have caused "with broader international opinion" as a strong reason for not breaking the AIA when she subsequently became disillusioned with what she perceived as the AIA's failure to provide improved security.[71] Enoch Powell argued that the AIA had, "been done because the United States insisted that it should be done."[72] This is the strongest assertion that the AIA was directly at the behest of the Americans (for which Powell provided no persuasive evidence).

Whilst the British have traditionally been concerned about the reaction of international opinion, to what extent can the AIA be seen as a result of this concern? In the most comprehensive study of the international dimension to the Northern Ireland question Adrian Guelke has argued that American pressure was probably a significant factor in why the AIA was signed.[73] Guelke claims:

> "an obvious implication of the British Government's readiness to enter into the Agreement was that it attached more importance to securing external legitimisation of its position in Northern Ireland than to whether Unionists consented to giving the Republic a role in the North. The Government's priority was in large part a reflection of how far the conflict in Northern Ireland had become internationalised and of its recognition of this reality."[74]

Such a convenient linear use of hindsight, linking every Anglo-Irish initiative to the Good Friday Agreement, fails to allow for the complexities and alternatives that existed in the Anglo-Irish process.

[70] Thatcher op. cit. pp 403, 406-407

[71] *Ibid.* p. 412.

[72] Shepherd op. cit. p.484

[73] Guelke *Northern Ireland: The International Perspective* op. cit. p. 147.

[74] *Ibid.* pp. 98-99. In general Guelke is careful not to overstate the importance of the international dimension on Northern Ireland policy formation. Others have gone further in suggesting links between policy and

It is questionable though whether the British signing of the AIA was motivated by the desire to secure external legitimisation of their position in Northern Ireland. There is a danger that Guelke's analysis suggests that it was the desire to secure such international legitimacy that forced the British to enter into the AIA. Other factors played a powerful role in persuading the British to follow the intergovernmental path. This is not to argue, however, that international opinion had no bearing on the consideration of the two governments. As has been noted the Irish were very keen to internationalise the conflict. After Thatcher's 'out' comments FitzGerald stated clearly that the Irish approached the Reagan administration and asked Reagan to emphasise his concerns over the situation. FitzGerald claims that Reagan's "expression of concern must have been a factor contributing to the more positive approach the British adopted..."[75] (Indeed after the pressure from the Irish and international opinion Thatcher made a very conciliatory speech to the joint Houses of Congress which became known as the 'Dr FitzGerald and I' speech.[76])

The traditional desire of the British to limit international criticism alongside the desire of the Irish to harness international opinion for its own ends does not mean that international pressure was the motivation for the AIA. Whilst it is clear that it was a consideration for both sides, it was a secondary one which did not directly influence the negotiations. Howe, as Foreign Secretary, would have been particularly concerned about the international opinion. He notes though "Only rarely were we under direct pressure from the other side

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international considerations. See Arthur's *Special Relationships* op. cit. ch.6, Michael Cox op. cit. and his 'Bringing in the international', *International Affairs* vol.73 no.4 1997.

[75] FitzGerald op. cit. p.527

[76] Anthony Coughlan, *Fooled Again? The Anglo-Irish agreement and after*, Dublin, 1986, p.47. FitzGerald was apparently pleased by this and viewed the change in tone as significant. Hussey op. cit. p.144.

of the Atlantic specifically to change our policies".[77] David Goodall, who was involved in the day-to-day negotiating of the AIA, is even more explicit on failure of international opinion to directly influence the negotiations:

> "It didn't particularly impinge upon me as one of the negotiators but I think it was very present in the Prime Minister's mind and the mind of ministers. I mean one of the factors in keeping the negotiations going and bringing them to a successful conclusions was that it kept the Americans and President Reagan on board, so to speak. So as long as that was going on and seemed to produce a successful result the American administration was not going to put any pressure on the British over NI. So it was a factor and an important factor, but I don't think it was a determinant factor. In fact I would say that it was not a determinant factor but it was very present in the minds of ministers".[78]

This neatly summarises the role of international opinion in the negotiations. It was a factor but not a determining factor. It did have an underlying influence on the reasons for negotiating the AIA and was a consideration for Thatcher after she became disillusioned with the AIA, but it did not shape the AIA and nor is it the most persuasive suggested motivational factor for either government. It was a tool for the Irish and a consideration for the British but not a primary motivation for either.

- *A marker on the road to withdrawal*

For most Unionists the motivation behind the AIA was another step toward British disengagement and the creation of a united Ireland. As the DUP's Peter Robinson told the House of Commons "the agreement is intended to trundle Northern Ireland into an all-Ireland Republic".[79] In his study of the AIA and its effect on Unionism Arthur Aughey claims that the purpose of the AIA for Britain was "for progress in security, containment and a framework for eventual disengagement" (by which Aughey appears to mean

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[77] Howe op. cit. p.423.

78 Sir David Goodall, interview with the author. Another main figure in the British negotiating team the Cabinet Secretary at the time, Sir Robert Armstrong, does not mention international considerations amongst the 9 "ambitions" of the AIA he identified. Lord Armstrong 'Ethnicity, the English, and Northern Ireland: comments and reflections', in Keogh and Haltzel (ed.s) *Northern Ireland and the Politics of Reconciliation*. Cambridge, 1993

disengagement militarily from Northern Ireland). Aughey claims that during the negotiations the British conveyed to the Irish "that they would do nothing to hinder progress towards Irish unity".[80] There is obviously a difference between these two positions - British neutrality on the Union is not the same as the British proactively attempting to bring about a united Ireland. Arguably since at least Sunningdale the British, due to their commitment to abide by the wishes of the majority in the North, have been neutral on the Union (assertions by individual British PMs and Secretaries of States that they favour the Union, not withstanding). The problem with the Unionists' assertions of the rationale of the AIA as a tool to force them from the Union is that there is no evidence for it. The British took great pains to ensure that, legally at least, there was no derogation from sovereignty. Mrs Thatcher herself was emotionally attached to Unionism as a concept (although she was not an Ulster Unionist).[81] Whilst the British establishment were aware of the economic drain Northern Ireland placed on the British taxpayer and its potential to embarrass the government internationally,[82] this does not mean the British were working to oust Northern Ireland from the Union. The important distinction between accepting the democratic will of the majority in Northern Ireland and working to create a united Ireland is one that is often lost in the Unionist view. If every step towards improving relations with the South is seen as another incremental step towards forcing unity then the Unionists become victims of their own complaint that a united Ireland is portrayed (by others) as inevitable.[83] Evidence suggests this was not the case in respect to the AIA. Tom King has argued that there were "some people I dealt with…who always

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[79] Quoted in Kenny op. cit. p.114.
[80] Arthur Aughey op. cit. p.190.
[81] See Dixon *Northern Ireland* op. cit. pp.201-202.
[82] Geoffrey Howe noted, "the prodigious and mounting cost of the Union to the British taxpayer." He asserts though that this "had no effect, however, on the broad continuity of our policy towards Northern Ireland during the first eight years of Margaret Thatcher's leadership of the party." Howe op. cit. p.411.
[83] Arthur Aughey claims that the view that "some form of Irish unity is natural, inevitable and, for convenience's sake, desirable" is one of the basic assumptions underlying British government policy towards Northern Ireland. Aughey op. cit. P.37.

actually inherently believed that the British wanted to get out of Northern Ireland, and whatever the British said it was always part of a play to go that way". King argued this was especially believed in some Irish quarters. "I never believed that is the case, I never believed that the British government, realistically, or the British parliament, would depart from the democratic principle of consent".[84]

Not only is the argument that the AIA was an attempt by the British to disengage from Northern Ireland not persuasive, there is also little evidence to suggest it was the Irish side's motivation. Mallie and McKittrick have claimed that for the Irish the AIA was, according to one Irish official, seen as giving the Irish "a sort of long-term apprenticeship in how to run the place when they were going to go". The official noted that the British never said they intended to leave and would have denied the suggestion, but they knew they would be going at some stage in the future.[85] This would appear to fit exactly what King was complaining about above. The presumption by some in the South was that the British knew they would go at some stage. For this to be a viable explanation the Irish would have had to desire British withdrawal. If the motivation for the Irish regarding the AIA was to secure British withdrawal then obviously Dublin must have desired unity. However, a more persuasive argument is that the Irish were seeking to reduce the ability of the Northern question to disrupt the political stability in the South. The Irish only sought an input into Northern Ireland to try and reconcile Northern nationalists to the Northern Ireland state, not as a precursor to unity. As FitzGerald has stated "For any Irish government to say 'We don't want Irish unity' would be extraordinarily unhelpful and make things much worse in Northern Ireland. But I tell you, that's the reality, even if, because we don't want to make the situation worse for (the British government) in

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[84] ICBH seminar op. cit. p.36
[85] E Mallie and D McKittrick, *The Fight for Peace*, London, 1996, pp.30-31.

Northern Ireland, we don't say it."[86]

So there is little evidence to support the view that the AIA was a step towards British withdrawal, for either side.

Conclusion

The AIA is indeed an ambiguous document. This ambiguity has allowed various interpretations to be placed both on its purpose and on its meaning. With respect to the motivation of the two governments in negotiating the agreement it is clear that there were differences of emphasis, both between and within the governments. In evaluating the differences within the British side the separation made by Bew Gibbon and Patterson between the maximalists and the minimalists is persuasive and is backed up by the accounts of those involved in the process[87]. It is clear that Howe, Goodall and Armstrong may, due to different outlooks and priorities, have contemplated an agreement that acceded a greater role to Dublin. The minimalists of Thatcher, Andrew and Hurd wanted to a fairly limited input for the South and were primarily concerned with the security situation (especially Thatcher). The AIA is to some extent a product of these divisions, but this in itself is not necessarily either surprising or damaging. Both Hurd and Goodall have stressed that whilst these differences were apparent they were natural and did not threaten to undermine British unity during negotiations.[88] Hurd claims that Howe was, "operating at perhaps 10 or 15 degrees angle difference of approach to myself, not more than that and none of these discussions amounted to a row or a particularly huge difficulty or hold

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[86] ICBH seminar op. cit. p.46. FitzGerald was answering a point from Tom King on why the Irish do not admit their desire is to reconcile nationalists to the Northern Irish state.
[87] P Bew, P Gibbon and H Patterson op. cit. p.213.
[88] Lord Hurd and Sir David Goodall, interviews with the author

up…".[89] (Divisions within the Irish side seem to have been less apparent, though whether this reflects a genuine unity between all in the Dublin team or the relative scarcity of first hand accounts by those involved in negotiating the AIA for the Irish is hard to tell[90]).

For the Irish the primary motivation in pursuing an Anglo-Irish agreement was the issue of nationalist alienation and the rise of Sinn Féin. The desire to improve security issues was a consideration for Dublin but one that meant something different for the Republic than it did to Britain. For the Irish international opinion was a tool to be used to put pressure on the British rather than a motivating factor in its own right.

Given the differences evident within the British negotiating team the British motivating factor is less apparent. Certainly for Mrs Thatcher the security issue was the key. For others considerations such as the alienation of nationalists and international concerns were considerations, but without the motivation of improved security the British team would not have been able to persuade Thatcher to sign the AIA.

The question of who 'won' in the negotiations is one that has divided opinion. Dixon has claimed that "The British were out-negotiated by the Irish Government over the AIA"[91] whilst Anthony Coughlan has argued the Irish had been "fooled again" by Britain during the negotiations.[92] The question of winners and losers is of course very difficult to answer as it depends upon the criteria you use to judge the outcome. What can be said is that both sides had different expectations of what they wanted from the AIA. Both sides came to the

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[89] Lord Hurd, interview with the author.
[90] Garret FitzGerald does acknowledge four Irish ministers "were fearful of a strong unionist counter-reaction and…kept on inquiring were we sure the unionists wouldn't go mad about the agreement?" FitzGerald believed that Molyneaux had been briefed by the British "and so I wrongly reassured the cabinet that the Unionists would be alright. That was the only issue that the cabinet took up, really". Garret FitzGerald, interview with the author.
[91] Dixon *Northern Ireland* op. cit. p. 213.

negotiating table from "widely differing positions"[93] holding "different title deeds".[94] Given the differences in interpretation of the problem and different constraints on the two governments the AIA can be seen as an impressive feat of diplomacy. The problems that were to become evident in the working of the agreement were a direct result of the different analysis each side held of the problem. Once again the unifying desire to reduce violence in Northern Ireland could act as the stimulus to increasing intergovernmental co-operation but it could not transcend the incompatibility of aspects of the prescriptions the two sides held to achieve that aim. This was to lead to disputes and ill feeling between the two sides over the implementation of the AIA.

One other question needs to be addressed: to what extent was the AIA an extension of the policies that had gone before and to what extent did it mark a departure from previous policy? In general the AIA is seen as in line with previous British policy.[95] Brendan O'Leary has portrayed the IGC (the cornerstone of the AIA[96]) as little more than the institutionalisation of the talks set up in 1980[97] (and yet he has termed the conversion of Mrs Thatcher to an intergovernmental approach a "remarkable *volte face*"[98]). Douglas Hurd certainly saw the IGC as merely recognising an existing situation. Hurd claimed that the AIA gave the Irish "the formalisation of a right, not a veto, but a right to be consulted…" Hurd argues the Irish:

> "exercised this right anyway, they were constantly on the phone, [if] something had happened at a checkpoint overnight the Foreign Minister was on the phone to me and there was no point in my saying to him before the Anglo-Irish Agreement 'I'm sorry you've got no right to ring me up and to tell me about this and give me your views about what happened last night at the back of some farm'. It was useless, I

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[92] Coughlan op. cit.
[93] Goodall *Ampelforth Journal* op. cit. p.129.
[94] Garret Fitzgerald, *Parliamentary Debates. Dáil Éireann*, 19 November 1985, vol. 361, col.2716.
[95] Dixon *Northern Ireland* op. cit. p.203, Cunningham *British Government Policy 1969-1989* op. cit. p.242.
[96] Kenny op. cit. p.101.
[97] O'Leary in P Teague (ed.) *Beyond the Rhetoric* op. cit. p. 14.
[98] B O'Leary 'The Conservative Stewardship of Northern Ireland 1979-1997', *Political Studies*, XLV 1997, p.667.

> needed a good relationship with him and therefore there was no point in standing on the letter of the law. They exercised this right anyway, what the agreement gave them was a right, the right to do something that they were doing anyway, which we couldn't actually stop them doing".[99]

This does perhaps underestimate the significance of granting the Irish *de jure* a right they had been exercising *de facto* before the AIA. Although the British could not stop the Irish exercising the right to give their opinions they had on numerous occasions publicly denied that this right existed. From the AIA onwards this was no longer possible and the IGC provided an institutionalised forum for the discussions of matters relating to Northern Ireland and Anglo-Irish relations. Furthermore the right of either side to call a meeting of the Conference provided a platform for the Irish (and British) to air their grievances and offered the opportunity to reduce tensions between the two sides before they escalated, thus reducing the need for 'megaphone diplomacy'.[100] (Though, as we shall see. this was far from wholly successful).

Bew Gibbon and Patterson have described what the AIA resulted in as 'direct rule with a green tinge.'[101] This is to a large extent an accurate description. The AIA did not give the Irish an executive say in the affairs of Northern Ireland, nor did it mark the start of British withdrawal or prohibit the pursuit of a united Ireland by peaceful means. The motivation behind it for the two sides was both unifying and contradictory at different levels. It was though a vitally important document in the Anglo-Irish relationship. It did indeed mark the acceptance and institutionalisation of an Irish role in the affairs of Northern Ireland by Britain. Whilst it may be the case that this had previously been accepted at Sunningdale, the failure of the power-sharing executive and the collapse of almost all the facets of that agreement removed the Irish dimension from the agenda for the rest of the 1970s. The AIA

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[99] Lord Hurd, interview with the author.
[100] A point made by, among others Mallie and McKittrick op. cit. p,31, and Patrick Keating "Ireland's Foreign relations' *Irish Studies in International Affairs*. 1989 vol. 3 No.1

can be seen as the restoration of the Irish dimension, this time in an agreement that was not dependent on the acquiescence of the parties in Northern Ireland. The tinge may not have been as green as the Irish originally wanted (and far too colourful for the Unionists) but it represented in an internationally registered agreement an acceptance of their right to proffer opinions and suggestions regarding Northern Ireland. Whether the British should act on these opinions and suggestions and what the Irish should provide in return was though to lead to serious intergovernmental disputes in the coming years.

[101] Bew Gibbon and Patterson op. cit. p.217.

Chapter 6. 1986-1989. The Anglo-Irish Agreement in operation.

It might have been expected that the period immediately following the AIA would be one of more harmonious intergovernmental relations. The two governments had formalised their relationship and their roles regarding Northern Ireland. An internationally registered treaty had been signed which acknowledged the right of the Irish government to act as a spokesperson for the nationalist community in the North. The British had undertaken to co-operate with the Irish and make "determined efforts" through the IGC to "resolve any differences".[1] The British concerns over cross-border security and extradition were to be addressed. In short the AIA was carefully constructed to cover, if not solve, the areas of tensions between the two governments. Yet anyone expecting that the AIA would usher in a more peaceful or less contentious period in either Anglo-Irish relations or Northern Ireland affairs was to be quickly and comprehensively disabused. By all visible indicators the three and a half years between the signing of the AIA and its review were years of increased instability in Northern Ireland set against the backdrop of periodic public disputes between the two governments. To judge why this was the case it is necessary to briefly examine how the AIA was received in Northern Ireland; how it worked in practice, and what areas were still to be contentiously disputed between the two governments. Only then can an examination of the value and shortcomings of the Agreement be made.

Reactions to the AIA

The view from London and Dublin

The reaction to the AIA was largely favourable in both Britain and the Republic of Ireland. The British press took a generally supportive editorial line. *The Times* did raise the question as to whether it was advisable to "turn up the temperature" in Northern Ireland.

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[1] Anglo-Irish Agreement, Article 2b.

The paper was also critical of the failure to move towards setting up devolved government at the same time, arguing that "the price [that] should have been exacted" from the SDLP was "participation in provincial government on terms short of executive power sharing, which is quite unrealistic. The Agreement is unbalanced to the disfavour of the Unionists". But they did conclude that the AIA "deserves to be supported..."[2] A similar line was taken by the *Sunday Telegraph* which also argued that "this is a brave agreement, if also a gamble, and one which deserves general support."[3] The *Financial Times* was more fulsome in its support arguing that it was "realistic, in many ways even modest...It is a civilised acknowledgement that the two governments most affected by the Irish troubles should work together to resolve a common problem".[4] Even those papers that had been traditionally hostile to increased intergovernmental co-operation and very supportive of Unionism were reluctant to come out firmly against the AIA in the early stages. *The Daily Telegraph*, argued that the AIA "does not amount to treachery; but it is an extraordinarily dangerous document". The *Telegraph* attacked to creation of the IGC and the lack of reciprocity given that Britain could not comment on events in the South. However, the AIA was not damned by the editorial line, which argued that the Agreement showed that both London and Dublin were equally opposed to the IRA. This is a "worthy objective, for which some risks are justified. Whether it is to be triumph or disaster, or just another failed initiative, now depends chiefly on the courage and imagination of Dr FitzGerald".[5] What is interesting in the reaction of the British press is that no paper, including *The Telegraph*, opposed the AIA on the general principle that it seemed to give the Irish government a say in the affairs of Northern Ireland. This general level of support for the AIA in the British press was mirrored in the House of Commons, which approved the AIA

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[2] *The Times*, 16 November 1985
[3] *Sunday Telegraph*, 17 November 1985
[4] *Financial Times* 18 November 1985
[5] *Daily Telegraph* 16 November 1985

overwhelmingly by 473 votes to 47.[6] Mrs Thatcher's government did though see the resignation of one junior minister, Ian Gow, Minister of State at the Treasury. Gow resigned in protest at the AIA arguing that it changed the status of Northern Ireland and would prolong Northern Ireland's problems.[7]

In the Republic the reaction was also relatively favourable with 55% approving of the AIA, and only 29% disapproving of it shortly after it was signed.[8] (Within two months the level of support in the South for the AIA had risen to 69% with only 20% disapproving.[9]) The Agreement was not, however, greeted as warmly by all the political parties in the Dáil as it had been at Westminster. Fianna Fáil, under Charles Haughey, opposed the Agreement on the grounds that it contravened the Irish constitution. According to Haughey the Irish government had, by signing the AIA, acted "in a manner repugnant to the Constitution of Ireland by fully accepting British sovereignty over a part of the national territory and purporting to give legitimacy to a British administration in Ireland".[10] Haughey also seemed to suggest that he would seek to renegotiate the AIA if he were returned to government stating "we will certainly not be prepared to accept it in its present form".[11] Fianna Fáil also, much to the annoyance of the FitzGerald government, criticised the AIA in America with Brian Lenihan, Fianna Fáil's Deputy Leader, taking a very critical line on the Agreement in the US in the run up to its signing. Peter Barry, the Irish foreign Minister when the AIA was signed, called the move "treachery".[12] Barry claimed "it was pure naked political opportunism for base reasons…It was one of the most dishonourable things

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[6] Bew and Gillespie op. cit., p.193
[7] House of Commons, *Debates*, 26 November 1985, vol. 87, col. 764. (Gow had been close to Mrs Thatcher serving as her Parliamentary Private Secretary 1979-1983).
[8] *Irish Times*, 23 November 1985.
[9] *Ibid.* 12 February 1986
[10] *Parliamentary Debates. Dáil Éireann.* 19 November 1985. Vol. 361 col.2581
[11] *Irish Times* 16 November 1985.
[12] *Irish Times*, 22 March 1986.

that was done in Irish politics in 80 years".[13] Garret Fitzgerald also claimed to have been surprised by this part of Fianna Fáil's campaign of opposition to the AIA. FitzGerald claimed that the move by Fianna Fáil broke the convention that Irish politicians do not criticise the actions of the Irish government abroad. "I knew he (Haughey) would be very unhappy that I had got an agreement and he hadn't and he would do his best to be negative about it but it was fairly surprising he sent Lenihan to America to attack it. Everybody was rather horrified by that; you don't do that outside the country. I never thought he'd welcome it, but he was quite irrationally opposed. But of course he was quite happy to work it once he was in office".[14]

The opposition of Fianna Fáil to the AIA, whilst forthrightly expressed, did not prevent the Dáil approving the Agreement by 88 votes to 75. The Dáil divided straight down party lines on the issue with only Fianna Fáil opposing the AIA (though one Fianna Fáil Deputy, Mary Harney, voted in favour of the AIA and was subsequently expelled from the party). All the other parties in the Dáil voted in favour. (Two independent TDs, Neil Blaney and Tony Gregory, also opposed the Agreement.) [15] The only notable exception to this non-Fianna Fáil approval of the AIA was the resignation of Senator Mary Robinson -who would become President of Ireland in 1990 - from the Irish Labour Party on the grounds that the Agreement was unacceptable to Unionism.

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[13] Peter Barry, interview with the author.
[14] Garret FitzGerald, interview with the author. Fianna Fáil did work the AIA when returned to office in 1987. Charles Haughey's advisor on Northern Ireland, Dr Martin Mansergh, has admitted that Fianna Fáil "mistook Article 1 of the Agreement as constituting *de jure* recognition of Northern Ireland..." Martin Mansergh, 'The Background to the Peace Process' in *Irish Political Studies*, Vol. 6 1995. P.154
[15] *Irish Times*, 22 November and 28 November 1985.

The view from Belfast

If the general reaction in the Republic and Britain was favourable, the reaction in Northern Ireland was quite different. Northern nationalists generally supported the Agreement with 72% of Catholics in Northern Ireland in favour of the Agreement and only 12% disapproving.[16] This was an important factor, at least for the Irish government, as one of their stated aims in pursuing the AIA had been to reduce the alienation felt by Northern nationalists. Whilst support for the AIA at this early stage did not necessarily indicate a reduction in alienation, it was important that nationalists in the North saw the AIA in a favourable light. The main nationalist party in Northern Ireland, the SDLP, had been closely consulted during the negotiations by the FitzGerald government and so, unsurprisingly, warmly endorsed the AIA.[17] Sinn Féin, whose rise in electoral support had been frequently cited by the Irish as an indicator of the necessity of an Anglo-Irish agreement, unsurprisingly condemned the deal. Sinn Féin portrayed the Hillsborough Agreement as a cynical attempt by Britain to put a "diplomatic veneer on British rule", isolate themselves from international criticism and shore up the SDLP.[18] Republicans were also scathing about the Irish government and the SDLP, claiming they were simple lackeys to traditional British imperialist motives. However, Henry Patterson has shown that the republican leadership "were seriously concerned about the various possible effects of the Agreement" and the agreement contributed to a review within the republican movement of its tactics and the need to forge some sort of pan-nationalist front. Sinn Fein were

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[16] *Irish Times* 12 February 1986. (There is obviously a problem in using the terms 'nationalist' and 'Catholic' interchangeably. However as the poll was presented in terms of religious rather than ideological grouping this cannot be avoided. Whatever the debate regarding Catholicism and nationalism, surveys have consistently shown that Catholics are more inclined to see themselves as Irish. It is therefore safe to assume a correlation between nationalism and Catholicism strong enough to support the view that nationalists in general supported the AIA. - For a discussion of the relationship between national identity and religion see John Whyte op. cit. Chapter 4).

[17] Though it should be noted that there was concern within the Irish government that Seamus Mallon of the SDLP may not support the Agreement. Mallon only committed to the project just before it was signed, G FitzGerald op. cit. p.566 and interview with the author.

[18] Henry Patterson, *The Politics of Illusion*, London, 1997, p.198

becoming increasingly concerned that the activities of their military wing, the IRA, coupled with actions of the two governments to aid their constitutional nationalist rivals, the SDLP, would further erode their support.[19]

The Unionist reaction[20]

The most marked short-term result of the AIA within Northern Ireland itself was the opposition it provoked throughout the Unionist community. The Agreement caused a mass movement of opposition to emerge within the Unionist community of a type not seen since the protests that led to the fall of the Sunningdale Agreement in 1974. The hostility and betrayal felt by Unionists as a result of the AIA manifested itself in mass demonstrations; days of action; strikes; attacks on the homes of RUC members; resignations from public office; boycotting of Westminster; and an increase in the level of activity by loyalist paramilitaries. At times it was not clear who was leading the demonstrations, the elected representatives of Unionism, or more shadowy figures. For much of the period the leaders of the two main Unionist parties, James Molyneaux and Ian Paisley appeared to be struggling to keep control of the protests. In the early stages of the opposition the two seemed to be more willing to compromise over the AIA than their followers. After a meeting with Mrs Thatcher to discuss the situation in February 1986 the British felt there had been a breakthrough. Whilst Mrs Thatcher had refused to accede to the Unionists' demand that the AIA be scrapped she had apparently promised to consider holding round table talks on how devolution could be restored to Northern Ireland and to hold talks on new arrangements for Unionists to make their views known to the government. Speaking in London afterwards Molyneaux had suggested that the strike planned for the following

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[19] *Ibid.* pp. 196-209.

[20] For a more detailed description of the reaction of unionists in Northern Ireland to the AIA see A Ellis Owen, *The Anglo-Irish Agreement. The first three years*, Cardiff, 1994. Or for an analysis of unionism and the AIA see Feargal Cochrane *Unionist Politics and the Politics of Unionism*, Cork, 1997.

week may be cancelled and exclaimed "we have got away from what I think was anticipated as a deadlock situation". The two sides issued a joint statement saying they would "reflect on the various suggestions which had been made and would meet again shortly."[21] Yet this rapprochement did not even last out the day. After consulting with Unionist workers and party members on their return to Belfast the two leaders announced they were pulling out of further talks with the British government and the planned strike would go ahead the following week. Ian Paisley proclaimed that they could find "no comfort" from the meeting with Mrs Thatcher. [22]

The event illustrates the depth of opposition felt by rank and file Unionists to the AIA and the somewhat precarious leadership position of Molyneaux and Paisley at this time. The attempts by Paisley and Molyneaux to present a united front and co-ordinate Unionist opposition to the AIA were only partly successful. The one-day strike succeeded in bringing Northern Ireland to a standstill but the protest was also marred by violence, claims of intimidation and RUC unwillingness to confront the protesters. The actions of the day were to trouble Molyneaux who announced himself to be "horrified, shocked and disgusted" at the violence.[23] Tom King was also critical of the activities of the actions during the strike telling MPs there had been "widespread obstruction, intimidation and some violence". He also, whilst praising the actions of the RUC, noted there had been a number of complaints against the force for not intervening and announced the Chief Constable was preparing a report. But King did not seem to have much sympathy for the struggle of the Unionist leaders to keep control of the protests stating that "The House will

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[21] *Irish Times* 26 February 1986
[22] *Ibid.*
[23] *Irish Times*, 4 March 1986. For a discussion of the divisions that were to develop between the two main unionist parties over the anti-AIA campaign see A E Owen op. cit., Ch 3.

have seen elected Members of this House making common cause with people in paramilitary dress".[24]

Whilst intimidation may well have played a role in the strike there can be no suggestion that the opposition felt by Unionists to the AIA was anything other than genuine and widespread. By February 1986 only 8% of Protestants were in favour of the AIA with 81% opposing it.[25] For many Unionists it was not the form of the AIA itself that was the problem but the principle of it. An increased say for Dublin in the affairs of Northern Ireland was anathema to them. This was further complicated by the fact that in general Unionists had been excluded from the negotiations. Sir Kenneth Bloomfield, who was head of the Northern Ireland Civil Service at the time, and who had been excluded from the negotiations of the AIA, emphasises this point:

> "What was so invidious, I think, what really incensed the Unionists, and I would say to you I have very little time at all for the behaviour of the Unionist Party over Britain, I think they behaved with utter foolishness on many, many occasions, but what really galled them, and I could understand it, was the reality that you had the two sovereign governments negotiating, but patently, from beginning to end, the SDLP were kept very well informed by the Irish Government. They were told exactly what was going on and the Unionist Party, like me, were held at arms-length. This is a two-community country, albeit not by a huge amount, the Unionist community are the majority here and that seemed to me wrong both in principle and in practice and likely to lead to greater alienation, greater trouble…".[26]

For Bloomfield the way the AIA was negotiated as well as the new role it gave to Dublin meant that a Unionist backlash and rejection of the AIA was almost inevitable. "Frankly I could see a prospect that it would open out for the nationalist community great expectations which would not be fulfilled because nothing would change as radically as they thought it would. On the other hand, because I've lived amongst them I do think I understand the majority of the Unionist community, they're very like Afrikaners, they

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[24] Hose of Commons, *Debates*, 3 March 1986, vol.93 col. 153.
[25] *Irish Times* 12 February 1986.

would draw the wagons round, they would retreat into the laager. Rather than the Agreement being an incentive to reach agreement, it would draw the communities wider apart, and I think it did for a number if years".[27]

It does appear to have been the case that British officials, certainly those connected to the NIO had anticipated a hostile Unionist reaction whilst the politicians, particularly Margaret Thatcher and Tom King, do appear to have been surprised by the strength and longevity of the opposition.[28] On the Irish side Garret FitzGerald was also taken by surprise by the strength of the reaction.[29] The result of this disquiet on the part of the British and Irish governments was to have implications for the presentation of the AIA and the speed of reforms introduced in its wake. As will be discussed below the British were keen to take steps to avoid any further actions that would antagonise Unionists.

The logistics of the AIA

What then was the system that the AIA created to which the Unionists took such offence? The Agreement did provide a formalised mechanism for the two governments to co-operate in respect of Northern Irish issues. The main mechanism for this was the creation of the Anglo-Irish Intergovernmental Conference (IGC).

The Intergovernmental Conference

The IGC has rightly been described as "the centre-piece of the Agreement".[30] However, the IGC is a rather loose term applicable to any meeting of the governments whether at Ministerial level or official level. Meetings at Ministerial level were jointly chaired by "an

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[26] Sir Kenneth Bloomfield, interview with the author.
[27] *Ibid.*
[28] See previous chapter for more detail.
[29] Garret Fitzgerald, interview with the author.

Irish Minister designated as the Permanent Irish Ministerial Representative and the Secretary of State for Northern Ireland".[31] Since its creation the Irish Minister of Foreign Affairs generally filled the role of the Irish joint chair. On each occasion the Irish Minister for Justice joined him at the meeting. On the British side the Minister of State for Northern Ireland generally joined the Northern Ireland Secretary of State. The IGC was, though, created to be a comparatively fluid body below this level and its composition depended upon the topics being discussed. For example when legal issues were under consideration the chairs could be joined by the British and Irish Attorney Generals and the heads of the RUC and Garda usually attended for at least part of each meeting to discuss security and policing issues. Similarly the timetable for meetings was somewhat fluid with the frequency and length of meetings varying markedly over the years since its creation. In the first thirteen months of its existence (December 1985-December 1986) the IGC met a total of 9 times. In 1987 the IGC met on only four occasions.[32] All of these meetings were meetings at Ministerial level. Meetings at official level did indeed take place regularly as officials were in constant contact via the work of the Secretariat.

The atmosphere of the meetings themselves depended to a large extent on the topic under discussion, the relationship between the British and Irish ministers at the time, and events on the ground in Northern Ireland. The presumption of the Unionists was that the IGC was an attempt to move towards joint stewardship of Northern Ireland by the two governments. The First Report of the Grand Committee of the Northern Ireland Assembly, set up by the

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[30] Hadden and Boyle op. cit. p.22.
[31] *Anglo-Irish Agreement* Article 3.
[32] Figures taken from the yearly appendices in the journal *Irish Studies in International Affairs* and from the joint statements issued after each meeting. (Available at www.nics.gov.uk/aia/statements). The figures for the total IGC meetings in the following years were: 1988: 10; 1989: 7; 1990: 6; 1991: 8; 1992: 4 and 1993: 6. These figures include special meetings called by one or other government, but not 'framework meetings' which were meetings to discuss specific policy areas such as health or the environment. (At framework meetings the joint chairs were not present but Ministers from the relevant Irish and British departments of the discussion under consideration attended.)

main Unionist parties to consider their response to the AIA, claimed: "The Intergovernmental Conference is a joint authority in embryo..."[33] However, there was little to suggest that the two governments ever envisaged this once the IGC was operational. The British had ruled out any movement towards joint authority in the negotiations of the AIA. The IGC was an arena whereby the Irish could put forward plans for Northern Ireland and raise issues of concern to nationalists. It was never an arena wherein the two sides jointly took decisions on running the North. As we shall see the IGC was often used by the Irish to express their frustration at what they felt was the lack of action by the British on the areas of concern they raised. Whilst it may well have been the case that the AIA's "intellectual logic was joint authority,"[34] the IGC never developed into, nor appeared to be developing into, a joint decision making body. Although the Irish were successful in securing changes in some aspects of British policy, on fundamental issues the Irish were demonstrably unsuccessful in their attempts to change the way Northern Ireland was administered. It may well be argued that this does not negate the claim that, intellectually, the new role given to the Irish under the AIA, and most visibly exercised in the IGC, seemed to be a step towards joint authority. For this intellectual direction to become discernible movement towards joint authority it would be necessary to show that the IGC enabled the Irish to succeed in securing widespread changes in Northern Ireland on issues to which they attached great importance. This is not the case.

Part of the problem, which caused Unionists to be suspicious of the IGC, was that its workings were largely conducted in secret. Due in part to the nature of the issues under discussion, as well as the protests surrounding its operation, IGC meetings tended not be announced in advance and little information was released afterwards. Although joint

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[33] Quoted in Boyle and Hadden, op. cit., p.70.
[34] Bew, Patterson and Teague, op. cit., p.66.

statements were issued after each meeting these tended to be short and, at best, bland. On each occasion "the Irish side put forward views on" various issues and "the British side undertook to consider these views…"[35] The reasons for such statements could well be that they were deliberately worded in such a way as to create precisely the impression that the IGC was not taking fundamental decisions in order not to further antagonise Unionists.[36] However, the lack of detail led some Unionists to form the impression that such empty statements were actually masking the far more dynamic, decision-making role, the Conference was playing. Sir Kenneth Bloomfield, who attended these IGC meetings, argues that the reality of the Conference work was somewhat different. According to Bloomfield "there was much more tedium than excitement".[37]

Whether it would have been possible to operate the IGC in a different manner is highly debatable. Given the nature of the topics under discussion it is difficult to see how more transparency could have been built into the system. It would certainly not have been possible to allow public access to all sessions of the Conference. It may have been possible to allow some access to some sessions, those dealing with comparatively non-contentious issues. Given the feeling within the Unionist community at the time this may also have proved to be impossible. Perhaps it was not the nature of the discussions taking place within the IGC but the very existence of the IGC that was the problem. Unionists were annoyed not only by what they perceived was the creation of a body that may develop into joint authority, but also by the very creation of that body. The secrecy surrounding the negotiations of the AIA, and the hostility felt by Unionists towards any institutionalised

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[35]See AIA joint statements.
[36] A point made by the former Irish diplomat, Eamon Delaney in his memoirs, *An Accidental Diplomat*, Dublin 2001, p282.
[37]Sir Kenneth Bloomfield is very critical of the secrecy that surrounded the IGC meetings and claims the lack of information regarding what the IGC and Secretariat actually did, led to it becoming a focal point of dissent. To this end he suggested allowing the BBC in to film the workings of the IGC for a day. Sir Kenneth Bloomfield, interview with the author.

role for the Irish regarding the affairs of Northern Ireland, made it unlikely that the IGC would ever be an acceptable structure to them. The Unionist anger at what they felt was the lack of an effective voice for Unionism in the running of Northern Ireland was increased by what they saw as the asymmetry of input for the voice of nationalism via Dublin's role in the IGC. Bloomfield argues, "It was something of a rum-do that British Ministers are discussing how Northern Ireland is being governed with someone elected from a constituency in Co. Cork when nobody elected from Northern Ireland has any input to this deliberation at all. It's a curious situation".[38] Though, as was argued earlier, this was to a large extent a result of the frustration the British felt with the elected politicians in Northern Ireland (a point Bloomfield himself acknowledges).

The Secretariat

The Secretariat was set up by the AIA to service the IGC. If the IGC was at the heart of the AIA, the role of the Secretariat was to ensure that the heart beat healthily and did not find its arteries becoming blocked. The role or composition of the Secretariat was not made explicit in the AIA itself. The AIA merely states that a "Secretariat shall be established by the two Governments to service the Conference on a continuing basis in the discharge of its functions…"[39] The Secretariat's role and location had been a bone of contention during the negotiations of the AIA. The British side, and especially the NIO, saw the Secretariat as merely "note takers" who would act as a conduit for the Irish to the NIO. The Irish for their part wanted the Secretariat to be a channel between the two governments rather than to the NIO. The Irish wanted the Secretariat to be staffed by relatively high-ranking officials. According to Garret FitzGerald's account "The Secretariat would not be note-

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[38] *Ibid.* (Peter Barry was TD for Cork.)
[39] *Anglo-Irish Agreement* Article 3.

takers: they would be applying their experience and rank to deal with problems and would have to represent themselves and each other in the decision making process".[40]

The Secretariat fulfilled at least three functions. At the basic level it acted as one might expect a secretariat to a conference to act. It carried out research, prepared reports and made suggestions for the IGC regarding matters on forthcoming IGC agenda's (and discussed the agenda itself). The other two roles were, however, more contentious and were a result of the comparatively high status of officials staffing the Secretariat. The Secretariat served, "as an important forum of discussion and channel of communication between the two governments".[41] Whilst major decisions were generally taken at ministerial level much of the preliminary work on issues was to be carried out at the level of the Secretariat and less contentious issues were effectively settled at Secretariat level, enabling ministers to concentrate on more pressing issues. The third, and perhaps most important function of the Secretariat, was as a tool of crisis management.

During the negotiations the location of the Secretariat was a matter of contention. The Irish argued that if it was to fulfil a useful role it needed to be located at Stormont so as to be near to the centre of power in Northern Ireland. The Irish also felt it was necessary, psychologically, to have their civil servants based in Northern Ireland to give reassurance to the nationalist community. Eventually the British agreed that the Secretariat should be based in the North. They could not be located at Stormont due to space considerations but were housed at Maryfield, nearby. Much thought was given to the structure of the

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[40] FitzGerald *All in a Life*, op. cit. p.575. Sir Robert Andrew claims that the NIO wanted to downplay the importance of the Secretariat so as not to further inflame Unionists sensibilities but also that there was a problem on the British side with the status of the Secretariat personnel, which had to be fitted into the NIO hierarchy. This was achieved by "a typically Whitehall civil service compromise" of having the British delegation "nominally" headed by a Deputy Secretary in London but actually run on a day to day basis by an Under Secretary, Mark Elliot, in Belfast. According to Andrew, this meant "that honour was satisfied". Sir Robert Andrew, interview with the author.

Secretariat and its working patterns as Séan Donlon, Secretary of the Irish Department of Foreign Affairs explained:

> "We decided in setting up Maryfield that we should use the model that the oil companies used for offshore platforms. We decided, for example, to make sure food was of a very high quality; we sent in two or three very good chefs, we banned alcohol, except for formal dinners. We just created a situation generally where people who had to live and work closely together could get on and we adopted more or less the same system as the oil platforms, I think it was seven days on, five days off, that sort of thing. So a very close camaraderie and friendships developed".[42]

As officials from both sides were posted to the Secretariat for an initial period of two years, later increased to three years, close-working relationships developed. This structure ensured that there was always a British and Irish duty officer on hand, twenty-four hours a day.

The institutionalising of a mechanism to allow instant contact between the two governments within Northern Ireland itself, enabled the Irish to utilise far more effectively a system of communication that had existed with the nationalist community in the North for many years. Since the early days of the Troubles the Irish had operated an arrangement whereby there were people on the ground in nationalist areas reporting to the Irish Government. Whilst the system of having contacts within the nationalist community in Northern Ireland pre-dated the Agreement it was "intensified" after the Agreement.[43].

According to Séan Donlon:

> "…let's say there was a security incident in Belfast involving an allegation that British soldiers shot and killed somebody. The way the system worked was we had what we called 'travellers' on the ground in Northern Ireland who were officials from the Department of Foreign Affairs, who divided up Northern Ireland between them. (They) had a range of contacts in nationalist areas, somebody from the nationalist area, usually the local SDLP person, perhaps a priest, or a teacher, or a community leader; somebody would phone their Foreign Affairs contact immediately. The Foreign Affairs contact would immediately get on to the relevant

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[41] Hadden and Boyle, op. cit., p.28.
[42] Séan Donlon, interview with the author.
[43] Garret FitzGerald, interview with the author.

government official based in the Maryfield Secretariat. The Maryfield Secretariat would immediately ask for a report on the incident and that then became the subject (of discussion). There might be a disputed version, but the problem tended to be, I won't say sorted out within a matters of hours, but tended to become a subject for discussion for the two government's almost immediately it happened. So you couldn't get the rabble-rousers on the streets saying nothing was happening because the community leader, or the SDLP person, or whoever it was, could go to his community and say: 'Look, this matter is receiving attention at a high level between the two governments who are seeing what can be done to resolve it'. We didn't always resolve episodes like that to people's satisfaction but at least they were able to be reassured that somebody was taking care of their problems…"[44]

This was part of the Irish government's attempts to reduce the influence of Sinn Féin. By having the mechanism whereby the SDLP could contact the Irish government directly it was hoped that the community role that Sinn Féin liked to portray itself as fulfilling would be reduced. Peter Barry, who as Irish Foreign Minister was the first Irish co-Chair of the IGC, claims, "it was hugely important, and it settled down nationalist opinion. It made them feel a Dublin government was interested, which they never believed, and it made them know that Seamus Mallon had more influence in achieving things politically than Sinn Féin had. Seamus Mallon, or Joe Hendron, a better example, Joe Hendron could achieve things for West Belfast through a political circle, that Gerry Adams couldn't achieve through the gun. That was hugely important".[45] Even those who were sceptical of the AIA acknowledge the importance of the Secretariat's role in crisis management and as a conduit to prevent disputes between the two governments escalating. Sir Kenneth Bloomfield claims, "I say this as someone who disliked many aspects of the Agreement, one great advantage that it did have was early and informal communication about controversial issues which could often prevent megaphone diplomacy based on misunderstandings. …They (the Irish) certainly had these eyes and ears around the place and if something was picked up that seemed disturbing, you then had a really quite effective high-speed mechanism for getting an explanation, which might, or might not,

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[44] Séan Donlon, interview with the author.

satisfy people. But in the best of cases would prevent something coming all the way to the Conference table".[46]

What changed under the AIA was not that the Irish suddenly had access to information from the ground in nationalist areas in Northern Ireland. What was different was the creation under the AIA of a standing institution that gave the Irish access, at a high level, twenty-four hours a day, to the British government. Douglas Hurd may well have noted that the idea of the Irish contacting the British over nationalist grievances was not new,[47] but what was new was that now the Irish not only had a recognised right from the British to make these recommendations and an internationally registered undertaking from the British to work to resolve problems, but a formalised structure in which to raise such issues. For the Irish this was an important change. This is a point that is stressed by many of those who were involved on the Irish side in both negotiating the AIA and in working the IGC and Secretariat. Séan Donlon for example acknowledges that "in the years immediately before 1985 we were constantly putting forward views and proposals and the British normally worked constructively with us to resolve the differences. But that was not a legal right it wasn't a treaty right, and it ran the risk that at any stage a British prime minister …could easily decide to pull down the shutters and say, 'none of your business'. So for us it was very important…to create a mechanism to ensure that that right and that that obligation worked within a defined system".[48] Both Peter Barry and the Irish Ambassador to London during the negotiations, Noel Dorr, argue that before, the Irish input into the Northern Ireland issue was by the "grace and favour" of the British

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[45] Peter Barry, interview with the author.
[46] Sir Kenneth Bloomfield, interview with the author.
[47] Lord Hurd, interview with the author, see previous chapter for details.
[48] Séan Donlon, interview with the author.

government.[49] For the Irish side the institutionalisation of the "right" of input was seen as very important, even if, as Hurd seems to suggest, it was not seen as a major change by at least some on the British side. Séan Donlon summed up what the Irish saw as the new situation arguing this "was the central point. We had a *right* to put forward proposals and the British had an *obligation* to mediate those problems".[50]

Mediating the problems: Disputes and recriminations.

Whilst the mechanism for crisis resolution and better intergovernmental communication may have been created by the AIA it did not follow that disputes between the two governments were either eradicated or even less visible following its signing. The AIA faced a severe test in the first few months of its existence and by the time of its review many early supporters of the Agreement were questioning both its efficacy and worth. Once again some of the areas of dispute between the two states were as a result of outside 'shocks', events that were difficult for the governments to anticipate. But the majority of the problems that arose between the two governments were attributable to the underlying strain in Anglo-Irish relations: agreement on the need to stop the violence but a difference of emphasis or outright disagreement on how this could best be achieved. The Irish government was to become increasingly unhappy with what they felt was British failure to address nationalist alienation by making structural changes to the system of justice in Northern Ireland. The British for their part were frustrated by the Irish government's failure to fulfil obligations London felt it had secured regarding security co-operation and measures to target republican terrorists.

The administration of justice: Irish concerns.

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[49] Noel Dorr and Peter Barry, interviews with author.
[50] Séan Donlon, interview with the author. (Emphasis is Donlon's).

For the Irish Government one of the major problems leading to nationalist alienation from the Northern Ireland state was the structure of the justice and policing system. To this end the Irish sought major changes in the court, policing and detention system in Northern Ireland. Some of these issues had been included in the AIA, but the failure to reach agreement on these changes during the negotiations meant that they were simply listed as areas to be examined by the IGC.[51] This illustrated, once again, that the negotiations and the subsequent AIA had succeeded only in creating a mechanism for Anglo-Irish dialogue and had acknowledged a role for Dublin in Northern Ireland affairs. It had not managed to secure agreement to changing the way Northern Ireland was policed or how justice was to be administered. The Irish had succeeded in putting their areas of concern on the table for discussion but in many areas this discussion was, from the Irish point of view, to prove fruitless. Garret FitzGerald is candid in acknowledging the shortcomings of the AIA in securing the changes his government wanted to see,

> "Our concern was to reduce the negative impact on nationalist opinion of the excessively hard-line security operating in the north. That would be done through three-man courts, which we didn't get. Through the topic of prisoner releases, which was dropped. Through the announcement and promulgation of the code of conduct for the police, which was postponed for three years and then wasn't even promulgated. And (the) absolute constant accompaniment of the army by the civil power, the police, so that all arrests were by the police with the army there to protect them and that was not done in twenty-five per cent of cases. None of the things we wanted done were done".[52]

During the negotiations the Irish had raised each of these areas but, for various reasons, the issues were not settled during the negotiations. To prevent the negotiations breaking down over these topics it was agreed to mention them in the AIA as areas that would be discussed in the IGC. Whilst this was a formula that allowed the AIA to be signed it did mean that these difficult areas would have to be contested by the two governments in the

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[51] Article 8 of the AIA merely pledged that the IGC would consider "*inter alia* the possibility of mixed courts in both jurisdiction for the trial of certain types of offences" and stated that "the two Governments agree on the importance of public confidence in the administration of justice".

period after November 1985. This formula virtually guaranteed that there would be disputes between the two governments in the immediate aftermath of the AIA. The reason that the issues could not be resolved in the negotiations was that they were very divisive. From the British point of view fundamental changes in the area of administration of justice in Northern Ireland would be seen as an admission that the existing system in Northern Ireland was not satisfactory. Perhaps even more problematically it could be seen as implicitly criticising the judges, soldiers and police who were responsible for the administration of justice Northern Ireland. It is this point that seems to account for the failure by the British to agree to changes.

- *The Courts*

In 1973 the Emergency Powers Act incorporated the recommendations of the Report of the Committee headed by Lord Diplock into the legal procedures needed to deal with terrorist related offences. Diplock's report had recommended that one judge sitting alone should hear trials of "scheduled" offences.[53] The reason for this was the belief that the problem of intimidation made that it impractical to have such offences tried by juries. After 1985 the Irish did not push for a resumption of jury trials but wanted all such cases heard by three judges sitting together, not one (which would mirror the system used for comparable trials in the South). Originally the Irish had wanted such cases heard by mixed courts made up of judges from both the South and North. It is clear that during the negotiations the British were at least willing to consider such a system. In her memoirs Mrs Thatcher states that at a meeting with FitzGerald in June 1985 she agreed to consider joint courts but she would "certainly not…give an assurance in advance that they would be established."[54] The Irish dropped calls for joint courts after the British told Garret FitzGerald that this would not be

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[52] Garret FitzGerald, interview with the author.
[53] Bew and Gillespie, op. cit., p.57.

possible for quite some time. As a result the Irish pressed for three Northern Ireland judge courts.[55]

Whatever willingness Mrs Thatcher may have expressed during the negotiations to review the court system dissipated after the AIA was signed. The reason for this was the outright opposition to any changes to the system by the Lord Chancellor, Lord Hailsham, the Lord Chief Justice of Northern Ireland, Lord Lowry, and, perhaps more surprisingly, the Deputy Prime Minister, Willie Whitelaw.[56] The opposition centred on the belief that to expand the number of judges sitting at terrorist trials would be a criticism of the existing legal system and the Northern Ireland judiciary. In the face of such high profile opposition to the plans Mrs Thatcher was unwilling to countenance change. The failure by the British to agree to changes in the court system had the knock-on effect of leading the Irish to make threatening noises regarding whether they would ratify the European Convention on Suppression of Terrorism. The two governments squabbled over whether there had been an understanding that the two issues had been linked (see below).[57]

Whilst it is the case that the British had only agreed to consider changes to the courts and had not committed to making changes, the failure to make these changes did cause problems for the Irish government. Garret FitzGerald's government had made no secret of their belief that changes in the way terrorist trials were conducted were necessary to reduce nationalist alienation. The British refusal to make such changes allowed opponents of the

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[54] Thatcher, op. cit., p.401.
[55] Garret FitzGerald, interview with the author.
[56] *Irish Times* 6 November 1986, and interview with the author.
[57] FitzGerald claimed that it was only Mrs Thatcher's prior and personal agreement to reform Northern Ireland's courts that had persuaded him to sign the AIA (A Ellis Owen op. cit. p.158). Tom King responded strongly to this line from Dublin warning that a failure to ratify the ECST would have "very serious implications" for Anglo-Irish relations (*The Times* 22 October 1987). Mrs Thatcher also took a strong stance in de-linking the two issues telling the House of Commons "The future of the courts in Northern Ireland is a

Agreement to claim that it was failing to improve the conditions of nationalists in the North: the reason the Irish government had given for its existence.[58] There is some sympathy for the Irish annoyance of this point by Sir David Goodall:

> "I think Garret was entitled to feel let down about the courts. The courts were a long subject of debate in the negotiations and in the end the final communiqué, which should be read with the Agreement as it's really part of the Agreement, has a lot of weasel wording which was intended to mean that the British would look into the idea of reforming the courts if the Irish would promptly ratify the European Convention. Well what happened on the courts was that the Lord Chancellor of the day flatly refused to agree even to three-judge courts and of course the Lord Chief Justice of Northern Ireland was against it because he felt that it would reflect on the integrity of the judgements which had been passed by Diplock Court judges, often at great risk to their own lives….But Quintin Hailsham was flatly against it. You can't reform the courts if the Lord Chancellor of the day (is against it), I mean, unless you get rid of the Lord Chancellor. Margaret Thatcher really had no option, because by then even Tom King was persuaded that we ought to go to three judge courts. So I think that was the great pity and of course things were very slow, getting out the police code of conduct and the Irish did drag their feet about the Suppression of Terrorism. So like everything in political life it was a half success and half failure".[59]

Whilst the opposition of the Lord Chancellor may have left Mrs Thatcher with no choice, such arguments cut little ice in Dublin. The *Irish Times* had scant sympathy for Mrs Thatcher's predicament with regard to opposition from the legal establishment. According to the paper's leader "The British signed an agreement to do certain things. They should not be allowed to dodge their responsibilities by hiding behind the judicial robes of unco-operative judges".[60]

Garret Fitzgerald required successes in the areas he had highlighted as causing nationalist alienation and these successes to be seen by nationalists as a result of the AIA. On this, high profile, issue the Irish could not persuade the British to move. The formula of including contentious issues in the Agreement as areas to be discussed later may have

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matter for the United Kingdom Government and is not a bargaining factor" (House of Commons *Debates* 22 October 1987, vol.120 col.162).

[58] See exchanges in the Dáil 4 June 1986. Reported in *Irish Times* 5 June 1986.

[59] Sir David Goodall, interview with the author.

allowed the AIA to be signed but it became clear these areas were just as problematic post as pre-Agreement, only now expectations had been raised.

- *Accompaniment*

The other high profile failure, and the most important failure in Garret FitzGerald's eyes,[61] was the inability to secure accompaniment of all army (particularly the Ulster Defence Regiment) patrols by members of the RUC. There is no doubt that the Irish pushed this issue very strongly at IGC meetings. Sir Kenneth Bloomfield gives an indication of the priority and time the Irish forced the IGC to give to the issue when he recalls, "Something that I remember as taking up an enormous amount of time, and really irritating me, was something they called accompaniment. Dear old accompaniment, I'll go to my grave… you know how Mary (Tudor) had 'Calais' on her heart? I'll have 'accompaniment' on my heart."[62]

The issue of accompaniment was considered at the first IGC meeting 11 December 1985. The joint communiqué issued after the meeting seemed to suggest that the issue would be resolved satisfactorily. "The Conference considered the steps which were being taken progressively in applying the principle that the Armed Forces (including the UDR) operate only in support of the civil power with the particular objective of ensuring as rapidly as possible that, save in the most exceptional circumstances, there is a police presence in all operations which involve direct contact with the community".[63] Yet for all the emphasis

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[60] *Irish Times* 1 December 1986.
[61] ICBH Witness Seminar op. cit.
[62] Sir Kenneth Bloomfield, interview with the author. This point illustrates the lack of information contained in the joint communiqués issued after IGC meetings. In the two years following the signing of the AIA the issue of accompaniment is only directly referred to in the communiqués of 11 Dec 1985 and 6 October 1986. The communiqués often refer to discussion of "proposals aimed at enhancing relations between the security forces and the minority community", during which the issue was, presumably, discussed. Yet given the amount of time the issue appears to have taken up in the IGC the lack of detail provided is telling.
[63] Joint Communiqué. Anglo-Irish Intergovernmental Conference. Issued 11 December 1986.

the Irish placed on the policy they were, as FitzGerald acknowledged, relatively unsuccessful in securing its implementation. The reason for this failure is most likely to have been manpower considerations. There seems to have been little objection in principle from the British side to accompaniment (though they did not share the Irish government's analysis of the need for police accompaniment of the army).[64]

- *Marches*

Marches have long been a contentious issue in Northern Ireland where "to march in or through an area is to lay claim to it".[65] In the heightened tension of the immediate post AIA period the annual marching season was likely to be more confrontational than most. What the marching season of 1986 illustrated was the ability of street protests and marches to thwart the best efforts of the IGC and Secretariat to prevent issues damaging Anglo-Irish relations.

The dispute centred on the annual Orange Order march in Portadown on 14 July 1986. The Irish sought assurances from the British that the march would not be allowed to parade down the mainly Catholic Garvaghy Road. As late as 6pm the night before the scheduled march the British allegedly assured Dublin that the marchers would not be allowed down the contentious route.[66] However the following morning the RUC agreed to a 'compromise' and 8 Orange Lodges were allowed to march down the route.[67] This incident led to a highly visible dispute between the two governments. Peter Barry issued a statement saying he shared the "deep resentment" of nationalists at the decision by the

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[64] Sir Kenneth Bloomfield, interview with the author.
[65] Bew, Gibbon and Patterson, *The State in Northern Ireland 1921-1972*, Manchester, 1979, p.271.
[66] See Mary Holland's article, *Irish Times* 16 July 1986.
[67] *The Times* 15 July 1986.

RUC.[68] Barry also claimed that the decision to allow the march was provocative and the RUC had backed down in front of bullyboys. (He did though praise the way the rank and file RUC had policed the march).[69] The British line was that the decision to allow the march was an operational one by the Chief Constable of the RUC, Sir John Herman. Tom King told the House of Commons of his support for the actions of the RUC in trying to cope even-handedly with the violence.[70]

The dispute over whether the decision was an operational one by the RUC or had been politically approved by Tom King led the *Irish Times* to label King's claims as "disingenuous and unacceptable". The paper saw the claims of operational responsibility lying with the RUC as "a fiction – and a dangerous one".[71] The London *Times* though took a more practical line claiming "The compromise was an imperfect one – and both the nationalists and Dublin regard it as a betrayal. On balance, however, the police judgement must be counted correct since it avoided a large riot without conceding the main loyalist demand".[72] The intervention by Barry in criticising the decision led to strong words in the House of Commons. Ian Gow asked Tom King to "remind the Foreign Minister of the Irish Republic of the provisions of 9 (b) of the Anglo-Irish agreement, that the Conference has no operational responsibilities". Enoch Powell also claimed that, "The Government of the Irish republic are under the impression that the Anglo-Irish Agreement has given them a voice in the internal administration of a part of the United Kingdom".[73]

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[68] *Irish Times* 16 July 1986.
[69] *The Times* 17 July 1986.
[70] House of Commons, *Debates*, 16 July 1986, vol. 101, col.1005.
[71] *The Irish Times* 17 July 1986.
[72] *The Times* 15 July 1986. (The 'demand' referred to was the right to march 'the Queen's highway' as of right and regardless of the protests of local residents.)
[73] House of Commons, *Debates*, 16 July 1986, vol. 101, col.1005

Whatever the role that the AIA had acceded in this regard to the Irish government, the real significance of the incident in terms of the purpose of the AIA and the shortcomings the dispute had highlighted was succinctly stated by the Tory MP John Biggs-Davidson. Biggs-Davison asked Tom King "Was it not claimed for that agreement that this sort of interfering megaphone diplomacy would be obviated by the existence of the Anglo-Irish Intergovernmental Conference?"[74] The Labour Party's spokesman on Northern Ireland, Stuart Bell, echoed this point arguing one of the purposes of the AIA was to allow Irish governments to make representations on behalf of the nationalist community "so as to prevent ad hoc statements emanating from Dublin which in the past were unhelpful to Anglo-Irish relations".[75] The IGC and Secretariat had plainly failed to prevent a disagreement between the two governments spilling over into the public domain. Tom King told the House that he was aware of the Irish concerns in general but he "did not have prior notice" of Barry's statement.[76] The IGC would improve as a tool for reducing megaphone diplomacy (though, as will be shown, this remained a periodic problem) but at that stage it is difficult to disagree with the conclusion of Stuart Bell that in terms of public relations the AIA was "in its infancy".[77]

- *The RUC Code of Conduct*

The code of conduct was, for the Irish, another element of trying to make the administration of justice in Northern Ireland more acceptable to nationalists. Once again the joint statement issued at the end of the first IGC seemed to suggest that progress on this aspect of policy might be relatively straightforward. The statement noted that "The Chief Constable of the RUC advised the Conference that a number of other UK police forces

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[74] *Ibid.* col. 1006.
[75] *Ibid.* col.1008.
[76] *Ibid.* col. 1007
[77] *Ibid.* col. 108

were introducing Codes of Conduct and that, in consultation with the Police Authority, he had for some time been preparing and would introduce as soon as possible in 1986 (a) Code which would include these matters".[78] Yet the Code was not published until 1988.[79] The main reason for this appears to be the opposition of the Chief Constable, Sir John Herman, to allowing the Code to be associated with the IGC. Sir Kenneth Bloomfield explains:

> "Jack Hermon felt it would be no help at all if it was seen as being dictated by the governments so he was keen that it should be seen as something he and police authority wanted to do. But he didn't want it as presented as an initiative of the Conference. And I would agree with him, because that wouldn't be helpful. The thing that really mattered was getting the…thing finalised and making it effective. The cosmetics were less important than doing the right thing. If the cosmetics got in the way of doing the right thing then you were shooting yourself in the foot."[80]

The problem was that for the Irish the 'cosmetics' of having the Code seen as a beneficial result of their involvement in the IGC was very important. If the AIA was to be successful in reducing nationalist alienation it not only had to secure changes in the administration of Northern Ireland, it had to be seen to be securing these benefits. The British government at the same time was trying to underplay the role that the IGC was having in Northern Ireland affairs to avoid further antagonising the Unionists. [81]

Combating terrorism: British concerns

Britain's concerns regarding the workings of the AIA centred on its failure to deliver in the key areas London believed it had been designed address. The British reservations were over the failure to improve intergovernmental co-operation in methods to combat terrorism

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[78] Joint Communiqué Anglo-Irish Intergovernmental Conference. 11 December 1985.
[79] Bew and Gillespie, op. cit., p.215
[80] Sir Kenneth Bloomfield, interview with the author. Relations between Sir John Hermon and Peter Barry never appear to have been good in IGC meetings. Barry talks of "my regular monthly fights with Jack Hermon". Peter Barry, interview with the author.
[81] For this reason the British also dropped the commitment the Irish felt they had secured regarding a promise to review prison sentences in the event of an end to the violence. Mrs Thatcher told FitzGerald that such an undertaking at a time of such Unionist disquiet "would be dynamite no, not dynamite, nuclear." FitzGerald *All in a Life* op. cit.p.571

and improve security co-operation. The visible disputes in this area were over Irish enactment of the European Convention of the Suppression of Terrorism (ECST), extradition, and claims of a lack of Irish co-operation in cross-border security operations.

- *ECST and extradition*

The issue of extradition had long been a problematic one in Anglo-Irish relations. The refusal over the years of Irish courts to extradite suspected terrorists to Northern Ireland on the grounds that the offences were political had long irked British authorities. Although the Irish Supreme Court appeared to be less willing to accept the political motivation argument by the mid 1980s the British government wanted the legal mechanism simplified and Irish compliance with the ECST would help in this regard. Irish enactment of the ECST would have made this political motivation defence even harder to successfully pursue and so increase the chances of securing extradition for terrorist suspects. Article 1 of the ECST lists offences that cannot be considered political for extradition purposes between states that have ratified the Convention. Amongst these the one most likely to impinge upon the ability of those wanted in connection with suspected terrorist offences by Britain claiming political exemption is any offence, "involving the use of a bomb, grenade, rocket, automatic firearm or letter or parcel bomb if this use endangers persons..."[82] Article 2 of the Convention also allows a State to not regard as political "a serious offence involving an act of violence".[83]

At the time of signing the AIA Garret FitzGerald indicated his willingness to sign the ECST.[84] The Irish Minister for Justice, Alan Dukes, subsequently signed the ECST in

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[82] ECST Art 1(d). Quoted in Boyle and Hadden, op. cit., p.63. Boyle and Hadden's chapter on extradition, pp59-66, is an excellent, succinct, examination of extradition and Irish law.
[83] *Ibid.* p.64.
[84] *The Times* 16 November 1985.

Strasbourg on 24 February 1986.[85] However, the ECST had to be ratified by the Dáil before it became binding on the Irish. This was to prove to be a long and acrimonious process. The reasons for the problems in ratifying the ECST were political rather than legal. The Irish felt that there had been clear linkage between the issues of ratifying the ECST and changes to the administration of justice in Northern Ireland, particularly changes to the Diplock court system. The British for their part denied this. As time went on and it was clear that there were to be no changes to the court system the Irish government seemed to be suggesting that the ECST may not be ratified. By October 1986 Peter Barry was saying that the Irish still intended to introduce legislation to enact the ECST but would do so on the basis that they were satisfied progress had been made on improving nationalist confidence in the judicial system in Northern Ireland.[86] By November FitzGerald was making the linkage between the two areas even more explicit. The Irish government entered a bill to ratify the ECST in the first week of December but it was not to come into force until 1 June 1987 when the Dáil would have to approve its enactment. The reason for the delay between the passing of the Bill and the ECST coming into force was to put pressure on the British to make changes to the justice system in the North. FitzGerald made this quite clear claiming, "We expect that the progress…by next June will produce a situation in which the Dáil and Senead will not want to postpone the decision".[87]

In between the passing of the ECST by the Dáil and the proposed implementation date there was an election in the Republic and Charles Haughey replaced Garret Fitzgerald as Taoiseach. Given that Haughey had opposed the AIA on constitutional grounds, had appeared on several occasions to be threatening to seek its renegotiation when elected, and

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[85] *The Irish Times* 25 February 1986.
[86] *Irish Times* 7 October 1986.

the poor relations between Thatcher and Haughey in the 1981-82 period, there was concern in some quarters as to what effect his election would have on the Agreement. [88]

The Irish Dáil did ratify the Convention on 1 December. [89] However, the Haughey government also introduced stricter rules in terms of the evidence that the British had to provide and the undertakings the British authorities had to give in order to secure extradition. Mrs Thatcher claimed the new system made Britain "the least favoured nation (in Europe) in this matter."[90] According to Mrs Thatcher the situation was actually worse than that which existed before as previously neither "side looked through the warrant; they accepted the warrant and the fact that when a warrant was presented there was evidence and intention to prosecute. I believe that the arrangements now...are a step backwards..."[91] The new arrangements were to remain an issue of dispute between the two governments for months. A compromise of sorts was reached after Britain agreed to provide a summary of evidence but not the names and addresses of possible witnesses.[92] This was far from the

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[87] *Ibid.* 29 November 1986.

[88] Garret FitzGerald claims that Mrs Thatcher was deeply concerned when he told her in December 1986 that he would lose the forthcoming election to Haughey. Garret Fitzgerald, interview with the author. (This was not a concern shared by all in the British establishment. T E Utley who had in the past advised Mrs Thatcher, wrote in *The Times* that it would make no difference who was Taoiseach as Ireland's electorate, "do not care a row of beans for Irish unity". In an interesting article Utley argued that actually Haughey was the best Taoiseach, from the British point of view, as he will continue to keep up the "song" about unification but actually would not, or indeed could not, do anything about it. Utley basically urged Mrs Thatcher to ignore the Irish government. "The one thing that is certain is that the British Government pays far too much attention to the opinions of prime ministers in the Republic about how Northern Ireland should be governed. They are neither able to threaten us or greatly able to help us. Who they are does not matter much." *The Times* 23 February 1987). Some in the Irish establishment shared the British misgivings over the possible impact that a Haughey led government would have on the workings of the AIA. Séan Donlon, interview with the author.

[89]The IRA bombing of the Remembrance Day parade at Enniskillen, which killed 11 people and the discovery of 150 tonnes of arms and explosives from Libya destined for the IRA are widely attributed as being instrumental in persuading the Irish government to ratify the ECST. See A Ellis Owen op. cit. p.166. and Boyle and Hadden op. cit. p.64.

[90] House of Commons, *Debates*, 1 December 1987. Vol.123 col.762.

[91] *Ibid.* 3 December 1987, vol.123 col.1102.

[92] *The Times* 14 May 1988.

end of the extradition issue and there were numerous high profile cases over the following years.[93]

- *Security co-operation*

The other area in which the British felt that the Agreement did not deliver the results they had hoped for was in security co-operation. By its very nature this area of intergovernmental co-operation is secretive and as such success or failure is very difficult to ascertain. Mrs Thatcher centres most of her subsequent criticism of the Agreement around the area of security co-operation. This is perhaps unsurprising as for her it was the main reason for signing the Agreement. In her memoirs she is very critical of Irish co-operation in security matters particularly in terms of intelligence reports of the activities of IRA men once they crossed the border into the Republic. "Once they crossed the border they were lost. Indeed, we received far better intelligence co-operation from virtually all other European countries than with the Republic".[94] She also claims that the contribution that the AIA made in the fight against terrorism "was very limited".[95] The lack of security co-operation made Mrs Thatcher conclude that the Agreement and the British "concessions alienated the Unionists without gaining the level of security co-operation we had a right to expect".[96] Damning stuff. It is evident that others within the Thatcher government were also unhappy with the security gains that hailed from the Agreement. Tom King was increasingly critical of the level of security co-operation that the AIA had secured. By

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[93] The most divisive of which was the refusal of the Irish Attorney General to extradite Patrick Ryan on the grounds that comments made in the British House of Commons and press meant he would not receive a fair trial. There had been harsh exchanges regarding the Ryan affair with Mrs Thatcher telling the House of Commons that "although the Government of the Republic of Ireland make fine-sounding speeches and statements, they do not always seem to be backed up by the appropriate deeds". (House of Commons, *Debates*, 29 November 1988, vol. 142, col.573). Also in March 1990 an Irish court refused to extradite two men to Northern Ireland on the ground that they would face "probable risk" of assault by prison officers. (See *The Times* 14 March 1990).

[94] Thatcher, op. cit., p.410.

[95] *Ibid.* p.413

[96] *Ibid.* p.415

September 1986 King was admitting, "I have always made clear my impatience to make faster progress, but we are determined to develop that closer co-operation".[97] (Though King was always careful to stress that the situation was improving and avoided outright criticism of the Irish government on the issue.)[98]

There seems, however, to have been a difference in attitude between politicians and civil servants on the security question. Whilst British politicians are highly critical of the gains in security co-operation as a result of the AIA, some British and Irish civil servants have a different interpretation. These differences are two-fold. Firstly there seems to have been a belief by at least some of those who negotiated the AIA that increasing security co-operation was not a primary aim of the AIA. Secondly others question the belief that the AIA failed to deliver improved security.

Séan Donlon claims that the security issue was actually discussed very little during the negotiations. The reason, according to Donlon, was that structures already existed between the two governments to deal with this issue. "We had decided long before we went into negotiations of what became the 1985 Anglo-Irish Agreement, we decided that security co-operation should be left outside the door because that was a continuing issue for there were good structures in place". According to Donlon "it was never a topic of dispute. Civil servants on both sides tended to see security co-operation as pretty good, politicians didn't always accept that, particularly on the British side". Donlon is adamant on this point claiming that he has a full record of the negotiations of the AIA and was surprised himself when he re-examined the records subsequently at how little the subject of security came

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[97] *The Times* 4 September 1986. King often repeated his 'impatient' remark. See *Irish Times* 22 September 1986 and *The Times* 4 October 1986.

[98] See for example Tom King's comments in the House of Commons, *Debates*, 15 January 1987, vol.108 col.391 and *Ibid.* 23 July 1987, vol.120 col.475.

up.[99] Sir Kenneth Bloomfield echoes the idea that the IGC was not the place to deal with security issues and claims, "some of these things had been going on for a long time before anyone ever thought of an Anglo-Irish Agreement."[100] This is not, though, to suggest that Bloomfield argues that there was no problem security co-operation. He simply appears to share the opinion of Donlon, perhaps for different reasons, that the AIA and IGC was not an effective forum for dealing with security issues.

Although some may question whether the purpose of the AIA was to improve security co-operation, one of the key British negotiators of the AIA appears to take issue with the argument that the AIA failed to deliver in security terms. David Goodall argues, "Even the greatest enemy of the Agreement wouldn't have said that there wasn't greatly improved security co-operation as a result of the Agreement."[101] So it is unclear to what extent there was true disappointment on the British side regarding security co-operation and how widespread such discontent was. If Donlon is right and the issue of security played little part in the AIA negotiations it raises the question as to whether the issue was over-played during the negotiations by the British officials and politicians such as Armstrong, Howe and Goodall to persuade Mrs Thatcher to sign the Agreement. If it was the case that the issue of security was not anticipated by the British and Irish negotiators as one that would be dramatically altered by the AIA but was presented as the cornerstone of the Agreement to Mrs Thatcher, it is perhaps unsurprising that she felt security co-operation did not improve to the level she "had a right to expect". Similarly there is the question of expectation and perception. Perhaps some British politicians had unrealistic expectations

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[99] Séan Donlon, interview with the author.
[100] Sir Kenneth Bloomfield, interview with the author.
[101] Sir David Goodall, interview with the author. It is not the case that there was a completely straightforward politician/civil servant split on how the security issue was viewed. The head of the NIO at the time, Sir Robert Andrew admits that he was disappointed with the security gains the AIA provided. (Sir Robert Andrew, interview with the author.) This may also be related to the NIO/CO/FCO differences discussed earlier.

as to the level of security co-operation that would result from the AIA. As such their perception would be that the AIA had failed to deliver. Civil servants like Goodall may have had lesser expectations and so may perceive any gains in security co-operation far more favourably.

The Irish for their part reject the idea that they failed to co-operate in security matters. Garret FitzGerald is adamant that whilst he was Taoiseach practically every suggestion that the British made on how to improve security co-operation was implemented. "They made a number of proposals in 1986 for improving the operation of our policing system. I eventually, with Michael Lillis, got down to that and agreed 15 of the 16 proposals and forced them through our Department of Justice, who weren't all that keen".[102] When FitzGerald challenged the former head of the NIO, Robert Andrew over the claim that there had been disappointment on the British side over security co-operation Andrew noted, "There was a perception that, for example, not as much intelligence as had been hoped for was coming from the South on the movement of suspected IRA terrorists, and these things are difficult to point out".[103]

As Andrew notes successes and failures of security co-operation are indeed difficult to point out. The problem in terms of Anglo-Irish relations and the workings of the Agreement once again comes down to different expectations and priorities. The disappointments of both the Irish and British governments with the 'fruits' of the AIA in its early days can be explained by not only their different priorities but their different understandings of what was meant by security. In the area of security the two governments meant different things. For the British the focus was on the physical aspects of security:

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[102] Garret FitzGerald, interview with the author.
[103] ICBH Witness Seminar, op. cit. p.70.

intelligence gathering, policing the border and arms finds. Whilst the Irish agreed that all of these aspects were important their focus was slightly different. For the Irish a major way of improving the security situation was addressing what they saw as the underlying problems that led to a poor security situation: reducing nationalist alienation from the security forces. Robert Andrew explains this difference of understanding of what was meant by security. "We meant different things (by) security. The British first and foremost meant catching terrorists, preferably catching them and if we couldn't catch them shooting them. That was security, it was in a physical military sense. The Irish side saw security much more in terms of the community in the North and gaining its support". Andrew acknowledges problems arose because the two governments "thought they'd agreed slightly different things... I think the reason why this was a continuing source of friction was because we still gave primacy to what, for the sake of shorthand, I'll call the military aspect of security and we wanted more done there. They gave primacy to the other side and wanted more done. So we were disappointed that more was not being done on the military side and they were disappointed that more was not being done on what one might call the community side… So there was a certain amount of disappointment all round." [104]

External shocks. The effect of unanticipated issues on the intergovernmental relationship.

Whilst the above areas of dispute all centred around issues that had been discussed to some extent in the negotiating of the Agreement, during the course of the years following its signing the Anglo-Irish relationship was placed under strain by other, unforeseen, circumstances. The first six months of 1988 saw a series of disputes between the two governments. The most important of these centred on the Stalker-Sampson inquiry and the cases of the Birmingham 6. These issues demonstrated, once again, that whilst the AIA

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[104] Sir Robert Andrew, interview with the author

had created a mechanism for formalised consultation between the two governments and an arena where the Republic could raise issues of concern with the British government, it did not create an arena that could necessarily solve or even contain disputes.

Stalker/Sampson

The Stalker inquiry originally concerned an investigation by the Deputy Chief Constable of Manchester, John Stalker, into allegations of an alleged shoot to kill policy by the RUC in 1982. (The West Yorkshire Chief Constable, Colin Sampson replaced John Stalker, in June 1986, when Stalker was suspended due to allegations that he was associated with 'known criminals'.[105]) The reason that the Stalker-Sampson inquiry led to an Anglo-Irish dispute was not so much due to the events that were investigated, but the reaction of the British government to the finding of the report. In January 1988 the British Attorney General, Sir Patrick Mayhew, announced in the House of Commons that Northern Ireland's Director of Public Prosecution had decided that there would be no prosecutions resulting from the Stalker/Sampson report. The contentious aspect of this decision was that it rested not on a finding that here was no case to answer but on the grounds of national interest. Mayhew acknowledged that the NI Director of Public Prosecutions, Sir Barry Shaw, "concluded that there is evidence of the commission of offences of perverting or attempting or conspiring to pervert the course of justice, or of obstructing a constable in the execution of his duty, and that this evidence is sufficient to require consideration of whether prosecutions are required in the public interest, and he has consulted me accordingly". These issues related to allegations that members of the RUC had obstructed the Stalker/Sampson inquiry. Mayhew informed the House that he had examined the issue "including matters concerning the public interest and, in particular, considerations of

national security that might properly affect the decision whether or not to institute proceedings…I have informed the Director fully with regard to my consultations as to the public interest, and in the light of all the facts and information brought to his notice, the Director has concluded, with my full agreement, that it would not be proper to institute any criminal proceedings. He has given directions accordingly".[106] This was taken to mean that the Attorney General had asked the DPP not to proceed with prosecutions on the basis that information may become known that would be damaging to national security (although strictly speaking the DPP is independent of the government and Mayhew insisted that the decision was Shaw's alone).

The Irish government was incensed by the announcement. Haughey told the Dáil that he had not been consulted by Mayhew regarding the decision or informed that it was about to be announced. The Irish cancelled a scheduled meeting between the RUC Chief Constable and the Garda Commissioner in protest.[107] The Irish Minister of Justice, Gerry Collins, was particularly critical of the decision claiming, "a very serious problem now exists in Anglo-Irish affairs…these are damnably serious matters. They destroy the credibility of the RUC". Collins also made a not too veiled criticism of Mayhew when he remarked that, "anyone who believes there was a conspiracy to pervert the course of justice but that there should be no prosecutions is not fit for public office".[108] The British Labour Party's Northern Ireland spokesman, Kevin McNamara claimed, "I find it incredible beyond belief that the Government have come to this conclusion." McNamara called for the Stalker/Sampson to be published on the grounds that, "Quite honestly, on this mater, we do

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[105] Bew and Gillespie, op. cit., p.166 and p.198. (Stalker was eventually cleared and re-instated in his post in Manchester, resigning soon afterwards.) For a discussion of the issue see Peter Taylor, *Stalker*, London, 1987, and John Stalker, *Stalker*, London, 1988.
[106] House of Commons, *Debates*, 25 January 1988, vol.125 col.22.
[107] Patrick Keating, 'Irish Foreign Relations in 1988', *Irish Studies in International Affairs*, 1989, vol.3 No.1 p.95 and A E Owen, op. cit., p.181.
[108] *Ibid.* p.182.

not trust the decision of Mr. Attorney".[109] Not surprisingly perhaps the British government rejected calls for the publication of the Report and refused a request by the Irish government, made via the IGC, to see the report.[110]

It never rains…

Problems over Stalker/Sampson were exacerbated over the next few weeks by a series of bizarre events and decisions. The British Court of Appeal rejected the Birmingham 6 appeal a few days after the Stalker/Sampson announcement. The Irish government had pressed the case of the Birmingham 6 (and Guilford 4) at numerous IGC meetings. Gerry Collins said he was "amazed and saddened" by the decision. In the same month Private Ian Thain was released from jail and allowed to rejoin his old army regiment. Ian Thain had, in December 1984, been the first soldier found guilty of murdering a civilian whilst on duty in Northern Ireland.[111] Relations deteriorated further the following month when Haughey announced that he was appointing the Garda's Deputy Chief Commissioner, to carry out an investigation into the shooting by the British army of Aiden McAnespie who was shot, accidentally according to the British army, at a border checkpoint in Co Tyrone. This move was seen as a vote of no confidence in the RUC who were heading the British investigation into the incident. The NIO claimed, "As far as we are concerned the RUC is the competent authority. You could imagine the outcry in the Republic if the RUC was to investigate a shooting incident which took place in County Tipperary".[112] Further strain was placed on Anglo-Irish relations in March with the killing of three unarmed IRA suspects by the SAS in Gibraltar and the announcement of the decision by the Home Secretary, Douglas Hurd, that the Prevention of Terrorism Act was to be made permanent.

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[109] House of Commons, *Debates*, 25 January 1988, vol.125, cols23-24.
[110] *The Times* 2 February 1988.
[111] Bew and Gillespie op. cit. p.183 and p.211.
[112] *The Times* 23 February 1988.

As Ellis Owen argued Stalker/Sampson "triggered off a series of crises, each one serious in its own right, but made much worse by the changed atmosphere after Mayhew's statement. Coincidences became conspiracies".[113]

The Irish were not alone in being highly critical of these events. *The Times* argued strongly that the British were making mistakes. "The Agreement is…threatened by political misjudgement in London and Dublin. Admitting to the existence of evidence that policemen conspired to pervert the course of justice and failing to prosecute is a mistaken view of the public interest. Allowing a convicted murderer back into the same army, which is patrolling in Northern Ireland, is similarly foolish. These misjudgements are not wrong because they fail to take into account the views of the Republic: they are simply wrong. In addition they have serious consequences for public faith in the security forces".[114]

Whilst the Stalker/Sampson episode did sour Anglo-Irish relations for a time and did indeed seem to suggest once again a relative inability of the IGC to prevent disputes spilling over into 'megaphone diplomacy', the relationship did weather the storm of 1988. The pattern was emerging whereby areas of dispute would be pursued vigorously by the two governments but if they could not be resolved they would be 'set aside'. This is not to say that they would necessarily be off the agenda[115] but there would be a tacit agreement to concentrate on other issues where progress may be possible. When relations became particularly fraught, as in the early months of 1988, events on the ground in Northern Ireland seemed to refocus the governments on the problems of terrorism and cause them to

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[113] A Ellis Owen op. cit., p.181.
[114] *The Times* 24 February 1988.
[115] Peter Barry claims even issues such as Diplock courts and accompaniment where the Irish had little success were returned to again and again during IGC meetings. Peter Barry, interview with the author.

recommit to the path of co-operation. So the annoyance over the Stalker/Sampson events and Birmingham 6 were downplayed somewhat after the killings of three mourners at the funerals of the 'Gibraltar bombers' by Michael Stone and the murder of two British soldiers at the next subsequent funeral.[116] At a special IGC to discuss the deteriorating situation in Northern Ireland the two government's appeared to agree to shelve some of their disputes. Tom King noted "We have faced a number of problems in recent months, a number of difficulties, that have caused problems for the relationship between our countries under the Agreement…(but) I am absolutely clear of our common determination to make a success of the Agreement to the benefit of all our peoples and to give a new impetus to (the) work and objectives of the Agreement". [117] Gerry Collins claimed that there was a determination from both governments to ensure the Agreement worked "irrespective of the difficulties to be overcome".[118]

Some successes of the AIA

Whilst the areas of dispute and disagreement have been well documented above there were numerous notable successes that resulted from the AIA. The first time the new mechanism was used to try and deal with an unforeseen crisis in Northern Ireland was the month after it was signed. Following their conviction based on the evidence of INLA 'supergrass', Harry Kirkpatrick, three INLA men went on hunger strike.[119] Given the incredibly destabilising effect the 1981 hunger strike had had the Irish were very keen that this hunger strike was resolved as soon as possible. Peter Barry let it be known that he felt the hunger strike was unnecessary and unhelpful, given that there were now new structures through which the Irish could intervene. Barry told the press, "There is now a method for raising

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[116] See Bew and Gillespie op. cit., p.213 for a brief description of these two events.
[117] *The Times,* 26 March 1988
[118] *Ibid.*
[119] *Irish Times* 19 November and 28 December 1985.

such matters in the future."[120] To this end Dublin requested an emergency IGC meeting, which was held on 30 December. At the meting Barry put forward plans to change the supergrass system. The demands of the three hunger strikers were an early review of their convictions and an independent review of all those convicted on supergrass evidence. The men called off their strike on 6 January; three days after John Hume had met them. Hume had announced that their demands were "perfectly reasonable" but urged them to abandon their fast.[121]

The importance of the hunger strike incident is not in the event itself, but the fact that it gave the Irish their first opportunity to test the new mechanism. More than this it also was used by Barry to put a marker down regarding the Irish attitude to the new system. Barry felt that it was vital that the Irish demonstrated to the British, from the very start, their determination to use the new system to push issues they felt important. Barry explains:

> "(Tom King is) a decent, honest man, very open. But he had the idea that this was the British government running the North of Ireland still, with my help…That didn't coincide with my view, (I disagreed) that I was there to calm down the nationalists and stop them firing bullets at his soldiers… I rang up Tom and I said 'Listen, under such-and-such article of the Agreement I have the right to call a conference to debate a matter of great importance' and I said 'this is one and I want a conference'… Obviously he didn't like to be summoned to a meeting by an Irish minister about something inside the United Kingdom. But we did and we defused the situation and it went away… I had to establish the Irish government's rights. We couldn't let ourselves be taken for granted. We weren't there to cover up Tom King. We were there because we signed an agreement, which gave us rights, and we wanted to see that those rights were lived up to. You can see why it would be upsetting for a British government who had since 1800/1801 been doing the opposite".[122]

Whilst the suggestion that the AIA was not designed to allow the British to run Northern Ireland with Irish help is very questionable, Barry's comments do offer an interesting insight into how the Irish saw their role. During the early years the Irish were somewhat

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[120] *Ibid.* 30 December 1985.
[121] *Ibid.* 4 and 7 January 1986.
[122] Peter Barry, interview with the author.

forthright in their representations at the IGC, especially whilst Barry was co-chair of the Conference. This may, as Barry suggests, have been necessary to establish the Irish role and rights. As the IGC settled down and the two sides became more used to working with each other the atmosphere in the meetings appeared to change, especially when Brian Lenihan replaced Peter Barry. Sir Kenneth Bloomfield, who attended most IGC meetings in the early years, claims "as time went by, interestingly enough (attitudes changed)…Fianna Fáil had the reputation of being the republican party, and the rhetoric is pretty deeply republican and yet I found Brian Lenihan in particular, much less disposed to make a nonsense of nit-picking tiny issues unlike some other people".[123] Perhaps by the time Fianna Fáil replaced the coalition government in 1987 Barry had been successful in establishing Dublin's role thus allowing Lenihan a more conciliatory approach. Alternatively the change may well be simply a result of differences in political styles and outlook between the two men. Whatever the reason it is not the case that post 1987 the IGC saw fewer disputes (as we have seen 1988 was particularly fraught) but there does appear to have been a determination by Dublin in the early months to work the Conference aggressively. The Irish did periodically exercise their right to call an IGC but they were faced with the problem that this mechanism allowed them to register their views but they could not, as we have seen above, force the British to alter policy. As O'Malley argued "ultimately, the resolution of disputes is a matter of good will and faith – British good will and Irish faith…"[124] But it would be wrong to suggest that the British simply ignored the Irish. Whilst in many instances, as we have seen, the mechanism did not secure the outcome Dublin wished to see, in many areas it did.

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[123] Sir Kenneth Bloomfield, interview with the author.
[124] Padraig O'Malley, *Northern Ireland. Questions of Nuance*, Belfast 1990, p.66.

In his memoirs Garret Fitzgerald listed what he saw as changes that the AIA had brought about which benefited the nationalist community. These included: the repeal of the Flags and Emblems Act; stricter rules regarding routing of contentious marches; strengthening the law on incitement to hatred; improved fair employment guidelines (with legislation subsequently introduced); improvement in Catholic representation on appointed bodies; demolition and rebuilding of three nationalist ghettos (Divis, Unity and Roseville Flats); and the recognition of the use of Irish for place-names. In the security arena FitzGerald cites the establishment of a Police Complains Commission; *some* progress regarding accompaniment of the UDR by the RUC; a reduction in complaints of harassment of the nationalist community by the security forces; changes in the powers of arrest under the Emergency Powers Act; the reduction of the time suspects could be held by police on their own authority from 72 hours to 48 hours; and he particularly singles out an increased even-handedness by the RUC in dealing with the two communities. Prisoners saw improvements in the arrangements for parole and compassionate leave. In the area of the administration of justice FitzGerald cites a tightening up of the rules on admissibility of the use of confessions as evidence; a person's right to have someone outside informed of their detention; access to a solicitor after 48 hours; and also the appointment of three additional judges which reduced the waiting time for trial. FitzGerald also notes the abandonment of the use of 'supergrass' trials, which he explicitly links to "representations by the Irish Government through the Conference".[125] This is indeed an impressive list and FitzGerald claims the achievements of the AIA have "certainly been underestimated".[126]

It may be possible to raise questions regarding how big a change each of the above made to the lives of ordinary people living in Northern Ireland, and the British side would argue

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[125] FitzGerald *All in a Life* op. cit. pp.573-574.
[126] *Ibid.* p.575.

that many of the above points are not connected to the AIA but were in preparation pre-Agreement. There is though no doubt that the period after 1985 did see some major changes to the administration of justice in Northern Ireland and alterations in some social and employment legislation. As a result of the fierce Unionist reaction to the Agreement there was an unwillingness on the part of the British to risk antagonising the Unionists further by taking too many reforming measures which could be seen as a result of the Agreement. FitzGerald admits his government, "were persuaded by the British to play down the success of the Agreement, and the various things achieved under it, (so as) not to annoy Unionists more. The result was that nationalists never really understood how much they benefited by the changes made because of the Agreement in the following eighteen months. The nationalist's positive reaction became totally a function of he Unionist's negative reaction. When that all died down nationalists said, 'well, what did we ever get out of it anyway?'."[127] This would suggest that FitzGerald was aware of, and to some extent sympathetic to, the problems that the Unionist community's reaction was causing for the Thatcher government and the authorities in Northern Ireland. This sympathy by FitzGerald seems to have been only in relation to the presentation of the changes, the agreement not to stress the link between changes in policy and the AIA.

This agreement to downplay the advantages of the AIA to avoid further antagonising Unionists, meant, according to one former Irish diplomat, that, "The full institutional impact of the Anglo-Irish Agreement has never been highlighted or documented". According to Eamon Delaney the AIA "gave the Irish Government a consultative role in all aspects of Northern Irish life…there was not a hospital closure, fisheries initiative or cultural programme that the Irish Government didn't have a 'view' on". The British also consulted Dublin on certain public appointments. Whilst Delaney conceded, "Dublin was

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[127] Garret FitzGerald, interview with the author.

not always heeded and many parts of the Agreement went unimplemented" he sums up the psychological importance of the AIA to the Irish government well by arguing, "the very fact that the facility existed was almost as important as its effectiveness". [128]

The Irish pressed (with varying degrees of success) for further changes in Northern Ireland policy and governance. There seems to have been a feeling at least amongst some in the Irish government that the Unionists were Britain's problem and the British needed to deal with that problem, without any suggestion of backtracking from what the Irish believed they had secured at Hillsborough. Peter Barry is forceful on this point arguing it was Britain's failure to prepare the Unionists for the changes that were the problem. "They hadn't educated the Unionist Party, but frankly, what was it? 'Gone With The Wind?', frankly 'we didn't give a damn'. We had made a probe, we had driven a wedge in and we were going to follow it. No matter what the opposition was we had legal backing for what we were doing".[129]

The net result of all of this was something of a confused and confusing picture regarding the effectiveness and outcome of the Agreement in the years following its signing. As FitzGerald's list shows there were numerous changes in Northern Ireland that can be viewed as designed to address the problem of nationalist alienation. That the workings of the Conference and the new role for the Republic's government were not given the credit for these changes may well be, as FitzGerald suggests, the result of a presentational decision rather than a failure of the Conference itself. (Even those who were unhappy with the rate of change regarding areas of nationalist grievance in the North, such as Seamus

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[128] Delaney op. cit. pp.289-290.
[129] Peter Barry, interview with the author.

Mallon, defend the psychological importance of the Agreement.)[130] If a major aim of the Agreement, for the Irish government at least, was to halt the rise of Sinn Féin then in this area it can claim some marked success. In the four seats contested by the SDLP and Sinn Fein in the 1986 by-elections, caused by the resignation of all 13 Unionist MPs in protest against the AIA, Sinn Féin's vote dropped by 5.4% and the SDLP vote rose by 6% (with the SDLP's Seamus Mallon winning the seat of Newry and Armagh from the UUP). Similarly in the 1987 general election the SDLP's vote rose 3.2% (to 21.1%) compared to the 1983 Westminster election and the vote of Sinn Féin fell by 2% (to 11.4%).[131] The SDLP also increased their share of the vote in the local and European elections in 1989.[132]

As the suggested reasons of the British in signing the Agreement centred on security issues it is far harder to compile a 'list' of gains the British made from the Agreement. As was argued above the nature of security co-operation is such that it is very difficult to know whether it has been achieved. However, despite the remarks in her memoirs Mrs Thatcher did at times suggest that the Agreement was delivering improvements in this area. In January 1988 she told the House of Commons, "The Anglo-Irish Agreement has led to greatly increased co-operation on security, which is to the advantage of people in Northern Ireland and in the Republic of Ireland".[133] The Agreement did also mean that it was harder for the Irish to criticise Britain's Northern Ireland policy internationally. (Indeed Mrs Thatcher cites the damage that pulling out of the Agreement would have done to Britain internationally as the primary reason for not abandoning it).[134] For Douglas Hurd the securing of acceptance by the Irish of the principle of consent, via the signing of the

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[130] *Irish Times* 15 May 1986.
[131] Flackes and Elliot op. cit., pp.353-355.
[132] Bew and Gillespie op. cit., pp 224-225. Comparison between election in Northern Ireland is somewhat difficult as different elections use different electoral systems and constituencies. The simplest and clearest ways of comparing election results is to look at an election in relation to the previous result of the same election, i.e. compare local election results with the previous local election etc.
[133] House of Commons, *Debates* 26 January 1988, vol.125, col.168.

Agreement, was of paramount importance.[135] So the AIA certainly went some way in meeting the varied reasons that have been identified as persuading the Thatcher government to institutionalise Anglo-Irish co-operation in 1985.

Conclusion

Academic opinion on the effectiveness of the Agreement has been relatively critical. In the conclusion to his study of the working of the Agreement during its first three years Arwell Ellis Owen is somewhat dismissive of Ireland's influence as a result of the Agreement. Ellis Owen claims, "The Irish played a secondary role in the first three years of the Agreement". Owen appears to base this claim on the failure of the Irish to secure widespread political changes via the IGC. According to his analysis, "Ireland failed to develop the Anglo-Irish Agreement into a political forum; it remained a security initiative, as the British had intended".[136] If Owen is right then not only did the Agreement fail from the Irish point of view but it must have failed from the British point of view given the disappointments, noted above, regarding security co-operation. Even writers who have generally defended the Agreement, such as O'Leary and McGarry claim that "the emergent consensus of commentators was that the AIA had merely created a new stalemate; coercive consociationalism had run up against the limits of entrenched antagonisms".[137] W H Cox has argued that any evaluation taken five years after the Agreement was signed would have had to conclude that it had been a failure.[138] Arthur Aughey in his highly critical analysis of the Agreement concludes, "One must start by acknowledging the dramatic failure of the Agreement to achieve its stated objectives".[139]

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[134] Thatcher op. cit., p.412.
[135] Lord Hurd, interview with the author. (See previous chapter).
[136] A Ellis Owen op. cit., p.252.
[137] B O'Leary and J McGarry *Politics of Antagonism* op. cit. p.274.
[138] W H Cox 'From Hillsborough to Downing Street -and After' in Peter Catterall and Sean McDougall (ed.s) *The Northern Ireland Question in British Politics*, London, 1996, p.185
[139] Aughey op. cit. p. 204.

Yet once again to attach the label of 'failure', or 'success' is a somewhat fraught exercise. Given the ambiguity of the Agreement itself and the difficulty in identifying the purposes of what the two governments signed at Hillsborough it is difficult to agree on a yardstick against which to measure success and failure. Owen sees the Agreement as operating primarily as a security initiative and as such labels it a failure from the Irish point of view. Owen is correct in so far as it is possible to identify high profile changes to the administration of justice in Northern Ireland that the Irish government publicly called for yet failed to secure. In the areas of Diplock courts, accompaniment and prisoner releases, at least in the short term, the Agreement (and the Conference) demonstrably failed the Irish. Similarly O'Leary and McGarry correctly point out that the entrenched antagonisms, entrenched even further by the hated Agreement for the Unionists, meant that it was not possible to coerce Unionists into a consociational structure. Cox and Aughey's claim that, five years after the Agreement, it was the case that it had failed, based primarily on its inability to create a more peaceful situation in Northern Ireland, is also hard to refute. Yet once again all of the above can be completely rejected if one disagrees with the premise on which they rest: that the author has correctly identified the purpose of the Agreement.

Was it the case that the Agreement failed to provide political change in Northern Ireland, as Owen suggests? Whilst it is clearly the case that the Agreement certainly did not secure some of the most important changes the Irish wished to see it did secure political change. Although it may be possible to take issue with some of the 'successes' FitzGerald identifies in his list, there is no question that changes were made in the immediate aftermath of the Agreement. Some of these may be comparatively minor, some it may be claimed, are not connected to the Agreement, but all are real. How many changes are needed on a 'checklist' to cross the threshold from 'failure' to 'success'?

O'Leary and McGarry's assertion regarding the failure to create a consociational structure is, as discussed in the previous chapter, only valid if that was indeed the intention of the Agreement. As was argued there are serious question marks over this interpretation.

The general point made by Cox that the Agreement was a failure is harder to refute as no real grounds are given for this view. Aughey goes further and bases his 'failure' analysis on the inability of the Agreement to achieve "its stated objectives". Aughey's *Under Siege* is consistently critical of the Agreement and is in essence a call for integration of Northern Ireland fully into Great Britain.[140] Aughey attributes various objectives to the Agreement. For Britain he sees it as a desire to "fatally weaken the Union". For the Republic its purpose was "to allow it to help settle the long-running sore in Anglo-Irish relations" and to "regulate an ideological passion." But the "immediate purpose" of the Agreement was as "an exercise in containment and an attempt to cow Unionists"[141] The argument that the AIA is an attempt to weaken the Union by the British and prepare for withdrawal is one that is difficult to substantiate and is not persuasive. Aughey's claim that the Irish wanted to use the AIA to settle the long-running sore in Anglo-Irish relations (that is Northern Ireland) has more validity. To this end the Agreement did not succeed in that Northern Ireland remained an area of intense and visible dispute between the two states after Hillsborough. However, this is not to say that the Agreement was not successful in helping to regulate that dispute. As the IGC developed and the participants became more used to its ways of working it does appear to have been a more successful, if not an infallible mechanism for regulating contentious areas between the two governments. In terms of attempting to contain and cow the Unionists the Agreement is on shakier ground (if one

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[140] For a brief critique of Aughey's arguments on integration see John Whyte op. cit. pp218-221.
[141] Aughey op. cit. pp58-59

accepts Aughey's argument that this was indeed its intention, which is open to debate). As shall be argued below in the short term the Agreement incensed rather than cowed Unionists but it may well have, in the longer term, changed the parameters of the debate within Unionism.

So is it possible to label the Agreement at all? Perhaps it is more profitable to talk in terms of the effects of the Agreement rather than in terms of its success or failure. In terms of the effect that the Agreement had on Anglo-Irish relations, its contribution was positive and pronounced. The creation of a mechanism for formalised interaction between the two states was beneficial. Although at times during the first few years of its operation it appeared that it had merely created a mechanism through which each side could register their unhappiness at the operation of that mechanism; in the longer term it made a positive contribution to the search for a solution to the Northern Ireland issue. Not only did the Conference and Secretariat structures aid crisis management they also, importantly, created an arena that allowed frequent, private and rapid exchange of information between the two governments. This was to play an important role in the development of the peace process and the work leading to the Downing Street Declaration. The close relationships that built up between British and Irish officials working the new structures was to prove valuable in keeping the relationship steady at times of dispute at the ministerial level.

The effect on the ground in Northern Ireland is less easy to quantify. In the short-term there is no doubt that the Agreement ushered in a more violent and more confrontational period on the streets of Northern Ireland. It did not lead to the creation of devolved government nor did it appear to ease inter-communal tensions. Yet this alone does not damn the Agreement. There was no sign that devolution was a short-term possibility even without the Agreement. The violence did increase but not to take action because it may

lead to violence in Northern Ireland is to admit that nothing could be done in the region. A distinction between the short and long-terms must be made. Whilst its effect on Unionism in the short-term is visible and negative, in the longer-term the influence of the Agreement is harder to ascertain. There was a fundamental rethink within Unionism after the Agreement was signed with documents such as *The Way Forward* and *An End to Drift* being produced. The Unionists eventually had to jettison the early stance of not talking to the British government whilst the Agreement was in existence. How far one can attribute the success of later inter-party talks under Peter Brooke and Patrick Mayhew to the existence and survival of the Agreement is a matter for debate. Did the failure to force the abandonment of the Agreement lead Unionists to seek its overthrow by entering into dialogue with nationalists? Even if this is the case were the Unionists more amenable to change as a result of Northern Ireland or did the Agreement simply put on-hold any hope of change in Northern Ireland for a number of years? Similarly what is the relationship between the Agreement and the subsequent Downing Street Declaration (and ultimately the Good Friday Agreement)? Sir Kenneth Bloomfield sums up these questions well.

> "The protagonists of the Agreement would say it was a significant change in direction that, unpopular as it was initially, it really did in time bear in upon Unionist opinion that nationalism and the representatives of nationalism and Irishness would have to be inside the tent, and I wouldn't dissent from that. I think there is something in that. I think my own reaction at the time was partly emotional. …I think it neither delivered the goods the optimists had expected of it, nor the evils that the pessimists had expected of it. Yes you can see it as some kind of a stepping stone, but on the other hand it did condemn us to quite a number of years of tremendous negativity."[142]

By the review in 1989 in which both governments recommitted themselves to the Agreement, and made no notable changes to its provisions or operations, [143] it was clear

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[142] Sir Kenneth Bloomfield, interview with the author.

[143] Reproduced in Boyle and Hadden, op. cit. pp83-88. The Review is couched in conciliatory language, the only area of open dispute noted in the text is that over the Diplock court system. The Irish "reaffirm the importance they attach… to the introduction of three-judge courts". The British for their part "are not at present persuaded of the merits of this proposal". (Review, paragraph 15).

that the campaign to force the Agreement to be scrapped had failed. The coming years were to see dramatic changes in Northern Ireland with disputes and recriminations between the British and Irish governments never far from the surface. But the Agreement had succeeded in institutionalising Dublin's role in Northern Ireland's affairs and securing the Irish government's position as co, if not equal, sponsor of initiatives regarding Northern Ireland. The Agreement's achievements during the three years after its signing may be debated but its place on the political landscape for the foreseeable future had been assured. For good or ill the Unionists had to accept its existence and work around, if not within the parameters it had created.

Chapter 7. Intergovernmental Co-operation and The Peace Process.

The task facing the two governments in the late 1980s early 1990s was to entice Unionists back into the political arena and restore some momentum to attempts to improve the condition of the North. By the end of the 1980s the AIA had proved to be an enduring structure that no amount of Unionist pressure or complaint had managed to threaten. The subsequent re-evaluation by the Unionist leaders of their strategy of opposition to the Agreement in the face of such British obduracy meant that there was an opportunity to re-engage Unionism in seeking new structures for Northern Ireland. This was to prove a long and difficult task. The early 1990s started with the latest variation of the accepted theme of exclusivity which had underpinned British and Irish policy since the Sunningdale period. Exclusivity rested on the premise that if the constitutional centres of Unionism and nationalism could reach agreement then the extremes of loyalism and republicanism would be isolated and marginalised. The Brooke-Mayhew Talks of 1991-1992 were the last great hurrah of exclusivity. By 1992 the first tentative steps towards the radical departure of inclusiveness were being taken. The two governments at different speeds and with different levels of commitment began to explore the possibility of enticing the extremes into the centre, rather than trying to protect the centres from the extremes. The early 1990s are a fascinating period in Anglo-Irish relations. The Brooke-Mayhew Talks and the movement away from this model towards inclusiveness (the peace process) demonstrated both the potential of intergovernmental co-operation in shaping the political agenda in Northern Ireland and, once again, the underlying fault-lines that threaten the relationship. What is striking about the period is the difference that the AIA made to the political debate in Northern Ireland. At the time it was negotiated at least some on the British side did not view the role it ceded to the Irish as particularly important - a *de jure* acknowledgement of

a *de facto* reality. Yet the result of the AIA was that the whole remit of debate was altered. For the Unionists all political activity was motivated by the need to remove the hated AIA. Yet as it was an internationally registered treaty it required the agreement of both signatories to alter. So the Unionists were left with the unpalatable reality that to remove Dublin's influence over the North they would have to convince Dublin to agree to replace the AIA. Not surprisingly Dublin was not about to give up their hard won recognition cheaply.

The Brooke-Mayhew Talks.

The series of Talks involving the British and Irish Governments along with the four Northern Irish constitutional parties that took place in 1991/1992 came to bear the names of the two British Secretaries of State that oversaw them. The Talks themselves did not achieve a breakthrough in terms of reaching a new agreement on how to govern Northern Ireland or on the relationship between the North and South of Ireland. Yet the exercise was an important marker on the road towards a 'solution'. What emerged from the Brooke-Mayhew Talks was the three-strand model that was to be the basis of the eventual Good Friday Agreement of 1998.[1] Whilst it is not possible or necessary to examine the initiative in-depth here the series of talks highlighted interesting differences between the parties on the perceived role for the two governments towards the North and also illustrates the changed status of the Irish government in the post AIA period.[2]

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[1] The three-strand model argued that the there were three interlocking issues that had to be dealt with: relations within Northern Ireland, between the two parts of Ireland and between Britain and the Republic. Peter Brooke credits John Hume with devising this model. Peter Brooke, interview with the author.

[2] For an evaluation of the Brooke-Mayhew talks see, David Bloomfield, *Political Dialogue in Northern Ireland*, London, 1997 and Paul Arthur, 'The Brooke Initiative' and 'The Mayhew Talks 1992' in *Irish Political Studies*, 1992 and 1993. For a good brief analysis of the differences between the talks participants see The Cadogan Group, *The Brooke-Mayhew Talks 1991-1992*, www.cadogan.org.

The replacement of Tom King as NISS by Peter Brooke marked a new chapter in Northern Ireland. Brooke's perceived role when he was given the Northern Ireland portfolio was one of a night watchman. Brooke notes, "When the Prime Minister asked me to go she effectively said…'We've got the Anglo-Irish Agreement, it's really a case of managing the situation between now and the election, Peter, and it's extremely interesting.' Which couldn't…be described as an invitation to activity".[3] Yet Brooke did seek an active path and attempted, like many Secretaries of State before him, to initiate a round of talks between the constitutional parties in Northern Ireland.

Brooke was very conscious of the problem the Unionist boycott, in place for most of the period since 1985, was causing. "The Unionists had promoted a tactic into a principle and had marched into a cul de sac…(They) were not going to come out unless they were given an honourable laissez-passer".[4] The new Secretary of State saw it as one of his prime tasks to provide the Unionist leadership with that laissez-passer. What is interesting is that Brooke acknowledges the new reality of the situation in Northern Ireland that the AIA had created. It was no longer possible for the British to act unilaterally in relation to the North. Although there had not, theoretically, been any derogation from British sovereignty over the North under the AIA the Unionists were only interested in discussing how the AIA could be removed. To remove it required the agreement of both governments and the Irish would only consider its replacement, not its abandonment. The AIA tied the two governments into partnership in dealing with the issue. Brooke acknowledges this new reality when he notes that it was, "clear that that laissez-passer would have to be endorsed by the Irish Government since a lot of the conditions that the Unionists were setting out were rooted in their objections to the Anglo-Irish Agreement. So my signature alone

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[3] Peter Brooke, interview with the author.
[4] *Ibid.*

wouldn't get them back into open country."[5] As a result any discussions regarding Northern Ireland that might lead to the end of the AIA had to include Dublin as the British alone could not and would not perform this task.

Peter Brooke announced the commencement of the Brooke Talks to the House of Commons on the 26 March 1991. He informed the House, "We are setting out to achieve a new beginning of relationships within Northern Ireland, within the island of Ireland and between the people of these islands."[6] (The three strands). It had been difficult for Brooke to get all the parties to agree to enter talks. There were major problems. One stumbling block was at what stage the Irish Government would become involved? Dublin wanted a seat at the Strand 1 Talks discussing the internal government of Northern Ireland, which Brooke refused. Brooke was adamant on this point primarily for the pragmatic reason that the Unionists would not countenance Dublin involvement in Strand 1. Brooke informed Haughey, "You will never get to Strand 2 if you want to be in Strand 1".[7] Another stumbling block was that Unionists wanted the issues of devolved government settled in Strand 1 before discussion moved onto Strand 2. This in turn was unacceptable to the SDLP and Dublin. Brooke stipulated that all strands must start within weeks of each other and the whole process rested on the premise that 'nothing will be finally agreed in any strand until everything is agreed in the talks as a whole".[8] The other main stumbling blocks were the Unionist demands that the AIA be suspended for the duration of the Talks and that they would only enter strand 2 of the Talks as part of the United Kingdom delegation. These were overcome by the Talks being held during a 'gap' in IGC meetings and the announcement by Brooke that the "Unionist parties have made it clear that they

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[5] *Ibid.*
[6] House of Commons, *Debates*, 26 March 1991, vol. 188, col.771.
[7] Peter Brooke, interview with the author.

wish their participation…to be formally associated with my presence and that they will regard themselves as members of the United Kingdom team".[9] Brooke does not mention how others regarded them.

The Brooke Talks achieved little in terms of agreement but they managed to overcome many of the procedural difficulties and paved the way for the more substantial phase of talks that occurred under his successor, Sir Patrick Mayhew. By the end of the Brooke stage of the Talks the participants had agreed the timings for the different strands of the Talks, for Sir Ninian Stephen to chair Strand 2 and the venues for each stage of the Talks. This was no mean feat given the difficulties that such issues had caused during negotiations. Indeed Brooke sees the relatively good relations between the parties at the conclusion of the Talks as a major achievement. Brooke felt it was important that the Talks ended with all parties, "camping on the racecourse…It was as if the Grand National had been brought to an end and all the horses just stood around on the racecourse until we were ready to start the race again…That does give me great satisfaction".[10]

The work that had been carried out under Brooke's stewardship of the Talks enabled the initiative to progress to substantive discussion under his successor, Sir Patrick Mayhew.[11] The Mayhew strands of the Talks process ran for six months with the two governments

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[8] House of Commons, *Debates*, 26 March 1991, vol. 188, col.766. This premise was also to survive the test of time and along with the three-strand approach underpin the later Good Friday negotiations.
[9] House of Commons, *Debates*, 26 March 1991, vol.188 col.766.
[10] Peter Brooke, interview with the author.
[11] Sir Patrick Mayhew replaced Peter Brooke as NISS after the April 1992 election. The replacement of Brooke was widely anticipated. Peter Brooke had offered his resignation in January 1992 after singing 'My Darling Clementine' on an Irish TV programme on the day the IRA had killed eight men at Teebane who were returning from working on an RUC station in Tyrone. Unionists were incensed by what they saw as the insensitivity of Brooke. However, Brooke was pressured by the show's host, Gay Byrne, to sing on the programme and later admitted that he did it to stop Byrne questioning him on his first wife (who had died some years previously) whilst his new wife was in the audience. Some of the discomfort felt by Brooke at the incident is revealed by a fellow NIO minister, Richard Needham, who revealed that Brooke "later told me he would have sung 'Deutschland, Deutschland Uber Alles' to avoid further interrogation." Needham op.cit. p.220.

twice agreeing to postpone IGC meetings in order to facilitate the discussions. The Talks finally concluded on the 10 November 1992. The Talks drew to a close, as the Irish government wanted an IGC meeting with an election imminent in the Republic. However, it was clear by November that further progress was unlikely in the short term.

Evaluating Brooke-Mayhew

At one level the Brooke-Mayhew Talks were bound to 'fail'. The Unionists entered the Talks with the express objective of destroying the AIA. According to the DUP, "The Anglo-Irish Agreement is a real obstacle to the establishment of good neighbourliness on the island of Ireland between North and South".[12] For the UUP, "the replacement of the neo-colonialist Anglo-Irish Agreement with a treaty which addresses the totality of relationships within our islands is absolutely crucial".[13] Whilst both governments openly claimed that they were prepared to replace the AIA as a result of the Talks it was clear that the Irish would only accept its replacement with an agreement that gave them at least as much influence in Northern Ireland as the AIA. The Irish Government made their thoughts on this explicitly clear in their opening statement to Strand 2.

> "We do not feel that the goal of our negotiations should be to dismantle any gains which have been made in the relationships between the two Governments. Its outcome should not undermine their co-operation on a problem, which is clearly of the utmost concern to both. The Agreement…is a formal acceptance that the Irish Government have both a concern and a role in relation to Northern Ireland. We would expect that any broader agreement, which might be reached, would incorporate these elements in full measure. Otherwise something of value would be lost".[14]

The Irish government stuck to this position throughout the Talks. Neither Dublin nor the SDLP would countenance anything that they perceived to be a diminution of the Irish

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[12] DUP Opening Statement in Strand 2, 7 July 1992. (The records of the Brooke-Mayhew talks are taken from those reproduced on www.cadogan.org.)
[13] UUP Opening Statement to Strand 2, 7 July 1992.
[14] Opening Statement on behalf of the Irish Government, Strand 2, 6 July 1992.

dimension. Given that the Unionists had set out expressly with this objective in mind a breakthrough was unlikely.

The position adopted by the British Government during Strand 2 of the Talks was one of attempting to play a facilitating, almost non-participatory role, while at the same time having to be a participant given their sovereignty over Northern Ireland and the function demanded of them by the Ulster Unionists. This was not an easy stance to adopt. The potential contradictions of the British position are evident in Mayhew's opening statement in Strand 2:

> "I enter Strand 2 as a participant rather than as Chairman. Yet it continues to be as important to me to facilitate agreement as to argue my own corner. Her Majesty's Government has obligations and responsibilities which are relevant to the Strand 2 discussions. But it has no blueprint of its own for Strand 2. A range of possible outcomes would be acceptable to it, but only provided they were also acceptable to the Talks participants taken together. What we want above all from the proceedings in the Talks as a whole is an outcome on which Talks participants can agree, and which in the final analysis will be acceptable to the people"[15]

Throughout the Talks Mayhew seemed keen to avoid becoming openly involved in the discussions and concentrated more on the facilitator than participant role. This potential conflict was never really resolved and Mayhew seemed to still be wrestling with it when the Talks wound up. During the exchanges in the House of Commons when he announced the ending of the Talks Mayhew was urged to "move from the role of umpire to that of protagonist". Mayhew's response shows the difficulties faced by the British government when dealing with Northern Ireland. He argued, "I do not think I am an umpire, but certainly an umpire does not get drawn into supporting one side or the other in a conflict, and I do not propose to do so".[16] This attempt to play facilitator rather than participant was an underlying cause of Unionist distrust of the British government. The Unionists found

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[15] Opening Statement by the Secretary of State to Strand 2. 6 July 1992

themselves as 'members' of a United Kingdom team, the captain of which seemed to see himself as a non-participant. Indeed the Irish government also found British periodic statements of neutrality unacceptable. Dick Spring has asserted that the British government "is a key protagonist, whose decisions are crucial in shaping the environment both of the problem, and of any possible solution. It is not a disengaged referee floating above the fray".[17]

The British position as expressed by both Brooke and Mayhew tallied with the Irish government's in that although they were prepared to consider an alternative to the AIA they were, as noted earlier, limited in this respect. The Irish effectively had a veto on any change to the AIA given the need for both governments to agree to any changes. The British like the Irish were also not willing to abandon the AIA and the closer co-operation between the two governments lightly. Mayhew echoed the sentiments of Dublin to some extent when he noted, "We shall also want our close bilateral relations with the Irish Government to continue." Whilst acknowledging the two governments were "ready to consider a new and more broadly based agreement or structure if such an agreement can be arrived at through direct discussion and negotiation between all the parties concerned". Mayhew stressed that "Whatever the outcome of the Talks, we shall certainly want to preserve and develop the special and friendly relationship between our two countries".[18]

Given the determination of the Irish Government to preserve the gains they believed they had made at Hillsborough and the equally determined Unionist position that the AIA must be removed and Dublin's input diminished, a breakthrough was unlikely during the

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[16] House of Commons, *Debates*, 11 November 1992, vol.213 cols. 884 & 891. This problem of being both participant and adjudicator was not a new one for NISSs. Jim Prior makes a similar observation in his memoirs. Jim Prior, op. cit. p.181.

[17] Dick Spring, 'British-Irish relations: A new vision', *Études Irlandaises*, Printemps, 1996, No.21-1, p.137.

Brooke-Mayhew Talks. However, the importance of the Talks should not be underestimated. Much of the discussions that took place during the Talks and the structures that were adopted later resurfaced and underpinned the negotiations that led to the Good Friday Agreement. The Talks also provided many symbolic firsts such as the Ulster Unionist Party leader, James Molyneaux, going to Dublin to discuss North-South relations with the Irish Government. The Talks failed in so far as they did not secure agreement on a replacement to the AIA or new structures for the governance of Northern Ireland. But it can be argued that they did mark "a new beginning of relationships within Northern Ireland, within the island of Ireland and between the people of these islands". The Talks were yet another important staging post in the search for the solution. The Mayhew stage of the Talks had comprised six months of relatively intense discussion between all the constitutional parties in Northern Ireland and the British and Irish Governments. As Mayhew himself noted, "Progress has been made; it is not enough. It has taken six months, but six months in the history of Ireland is but an evening gone".[19] Whilst he pledged to attempt to restart the Talks after conducting further bilateral discussions with all the parties the exercise never resumed in the same form. Intergovernmental relations and the search for progress on the Northern Ireland question was about to move in a new direction with the advent of the peace process and the shift from exclusiveness to inclusiveness.

The Peace Process: from exclusion to inclusion.

The main thrust of intergovernmental activity in the early 1990s was aimed at enticing the IRA to abandon violence and enter the political process. This attempt to engage the republican movement and persuade them to pursue a purely non-violent campaign became

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[18] Secretary of State's Statement 6 July 1992 op. cit.
[19] House of commons, *Debates*, 11 November 1992, vol. 213. col.881.

known as the peace process. The thinking that underpinned attempts to engage republicanism was that the key to creating a peaceful situation in Northern Ireland was to persuade the IRA (the main republican paramilitary organisation) to end violence and pursue exclusively political means to obtain their objectives. It was felt that if this objective could be secured the paramilitaries on the loyalist side would also abandon the use of violence as these groups had always claimed their violence was a reaction to republican violence.[20] The obvious question that needs to be addressed is why the two governments followed this path in the early 1990s? What had changed? Why after years of attempting to isolate the IRA and their political wing Sinn Féin did the two governments spend much of the early 1990s trying, both overtly and covertly, to persuade the republican movement that violence was unnecessary and actually counterproductive? The reasons for this apparent *volte-face* are complex and the result of the interaction of various factors, including changes in government personnel, in republican thinking, and in how the two governments viewed the IRA.

New leaders: new opportunities?

The Conservative Party ousted Mrs Thatcher from office in November 1990. From the perspective of Northern Ireland this has widely been seen as a positive step. Given the mistrust and anger felt towards Mrs Thatcher by republicans as a result of her handling of the 1981 hunger strike and by Unionists as a result of the AIA, it is questionable whether any progress could have been made towards inclusion whilst she was prime minister.[21] Similarly the ousting of Charles Haughey by Fianna Fáil in February 1992 can be seen as

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[20] Caution was needed to ensure that the attempts to engage republicans did not further alienate loyalists. Although loyalist violence was primarily seen as reactive to republican violence it was also a stated aim of loyalist paramilitaries to prevent the betrayal of Unionism. The two governments had to tread a difficult line between engaging republicanism and being seen to appease republicanism in the eyes of loyalists. Such appeasement may have led to an increase rather than decrease the levels of loyalist violence. It was this problem of addressing the republican analysis to secure an IRA ceasefire whilst not increasing loyalist unease that accounts for some of the intergovernmental disputes discussed in this chapter.

fortuitous. Haughey was as distrusted within the Unionist community as Thatcher was by republicans. So by the early 1990s the two dominant figures of Irish and British politics for over a decade had been removed. In both cases their successors had little 'baggage' in terms of Northern Ireland. By his own admission John Major "knew very little of Northern Ireland"[22] and Reynolds had no previous governmental experience of Northern Ireland. Not only were Major and Reynolds carrying little baggage on the issue they also appear to have had different outlooks on the North than their predecessors. Although when she signed the AIA Mrs Thatcher became a despised figure for Unionists she did see herself as a Unionist. The same perception was not attached to John Major. Sir Robin Butler, who as British Cabinet Secretary was a key figure in the development of the peace process and the negotiating of the Downing Street Declaration (DSD), feels there were differences between Major and Thatcher in this respect. Butler argues, "Margaret Thatcher was more conscious of the Unionist past of the Conservative Party. By the time John Major became Prime Minister, really by the time he became an MP, the Conservatives were no longer the Conservative and Unionist Party so he didn't have emotionally in his political background that link with the Unionists".[23] People who worked closely with him express similar sentiments regarding Albert Reynolds. Albert Reynolds's Press Secretary, Séan Duignan, claims, "Reynolds came without baggage. Many, many people in Irish politics have strong beliefs about all this. Reynolds is just a business guy, I don't think he would have a republican bone in his body and indeed not even a nationalist bone really".[24]

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[21] See Martin Mansergh ''The Background to the Peace Process' op. cit. p.155.
[22] John Major op. cit. p.433.
[23] Lord Butler, interview with the author.
[24] Séan Duignan, interview with the author.

Much is also made of the fact that both Reynolds and Major got on well together and personally held each other in high regard.[25] This close relationship and trust does indeed seem to have helped in underpinning the peace process and may have helped to keep the process on track during some of the more fraught differences over the joint declaration negotiations. The relationship between the two leaders is an interesting one. Whilst Albert Reynolds liked John Major personally and respected the efforts he made to advance the peace process, Reynolds did not have a high regard for the British policy framers in general. Reynolds seems to have decided that he could 'educate' Major on the Northern Ireland issue and put many of the strains in the process down to elements of the British establishment trying to undermine the efforts of the two men.[26] The Taoiseach apparently saw it as his role to 'protect' the British Prime Minister on the Irish question. He often told Sean Duignan, "If I could get to him, if I could talk to John I'd sort him out".[27] Reynolds claims he told Major "I'll protect you fully, I'll take the full risk".[28] The character of Reynolds is undoubtedly important to the development of the peace process. Although Reynolds may not have been well versed in the subtleties of Anglo-Irish relations and the language that may be acceptable to Unionists and republicans he brought something very important to the process: a willingness to make a deal. Reynolds saw himself as a risk taker and with regard to the Northern issue he saw the securing of peace as a priority. As Martin Mansergh observed Reynolds "was determined to go for peace as an end in itself, independent of any other political agenda…"[29]

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[25] John Major op. cit. pp. 441, 452, 65; Anthony Seldon op. cit., p.414, Albert Reynolds, interview with the author; Mallie and McKittrick, op. cit.p.134.
[26] Sean Duignan, *One Spin on the Merry-Go-Round* op. cit. p.119.
[27] Séan Duignan, interview with the author.
[28] Albert Reynolds, interview with the author.
[29] Martin Mansergh op. cit. p.154.

Changes in republican thought: a revaluation of political over military tools?

By the early 1990s the electoral fortunes of Sinn Féin had reached a plateau. In the North Sinn Féin consistently polled around 11% (only around half the vote the SDLP polled) but secured less than 2% in elections in the Republic. Sinn Féin had entered the electoral arena in the early 1980s with the avowed intention of replacing the SDLP as the main voice of nationalists in Northern Ireland. However, the continuance of the armed struggle made this stated intention unrealistic. It was impossible to 'take power in Ireland' with 'the ballot paper in one hand and the Armallite in the other', as Sinn Féin's Danny Morrison had advocated in 1981.[30] Atrocities such as the Enniskillen bombing in 1987 when the IRA killed 11 people attending a Remembrance Day parade prevented Sinn Féin appealing to a wider electoral base. Gerry Adams acknowledged the damage that Enniskillen did to such plans claiming, "our efforts to broaden our base have most certainly been upset in all the areas we have selected for expansion. This is particularly true for the South and internationally. Our plans for expansion have been dealt a body blow".[31] Henry Patterson sees these events as being important in leading to a rethink within the republican movement. "The evident contradiction in the 'armallite and ballot box' strategy, together with the failure to displace the SDLP and political marginalisation in the Republic, had begun to generate debate within republicanism".[32] Given the secretive nature of the republican movement it is difficult to deduce to what extent there was a split between the militarist hawks and political doves in the IRA and Sinn Féin. In his study of the political thinking and development of the republican movement Patterson argues that the distinction often made between the 'politicos' and the 'militarists' is wrong.[33]

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[30] Bew and Gillespie op. cit. p.157.
[31] Sharrock and Davenport op. cit. p.256.
[32] Henry Patterson op. cit., p.218.
[33] *Ibid.* p.238-239. This view is not universally held. Mallie and McKittrick place a far greater strength on the fear within republicanism that certain events could split the movement, E Mallie & D McKittrick op. cit. *passim*.

Whatever the divisions within the republican movement there was undoubtedly a debate within republicanism regarding the role of violence and its effect on Sinn Féin's political appeal. To some extent this appears to have been influenced by a concern within republicanism's political wing that it may become increasingly isolated if the other parties were to make progress through inter-party talks.[34] Whilst the IRA campaign of violence continued it was highly unlikely that the SDLP, Dublin or mainstream Irish-America would openly co-operate with Sinn Féin. Although it is difficult to comprehensively state the reasons for, and nature of the debate within republicanism most commentators agree that a debate was taking place. By the early 1990s the two governments believed, to varying degrees, that this debate could herald a change of thought regarding military activity and that the republican movement may be amenable to overtures designed to entice them away from violence and towards exclusively political methods. How susceptible and what the overtures should be was to be a matter of dispute between the two governments.

Britain's changing attitude towards republicans?

Closely linked to the debate within the republican movement is the issue of whether the early 1990s saw a change in the British government's attitude towards the IRA and Sinn Féin. As early as 1989 Peter Brooke appeared to be making overtures towards republicans when he noted that the IRA could be contained but not defeated and spoke of the British Government being "flexible and imaginative" if the IRA were to end violence.[35] Over the next few years both Brooke and his successor, Sir Patrick Mayhew, were to make speeches designed to highlight the benefits that republicans could secure if the violence was ended.

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[34] The former British Cabinet Secretary, Robin Butler, sees this fear of isolation as an important factor leading to the re-evaluation of the role of the armed struggle within republicanism. Lord Butler, interview with the author.

[35] Bew and Gillespie op. cit. p.227

Even during the launching of the Brooke Talks the Secretary of State repeated that in the event of a ceasefire Sinn Féin would be allowed to join the Talks stressing that there would then be a "totally new situation".[36] Brooke made the most transparent overture on 9 November 1990 in the 'Whitbread speech'. During his address to the British Association of Canned Food Importers and Distributors held at the Whitbread Restaurant in London Brooke repeated his assertion that republicans would be allowed to enter the Talks after violence had ended. On this occasion Brooke went further and directly addressed the key raison d'être of IRA violence. Brooke stated:

> "The British Government has no selfish or strategic or economic interest in Northern Ireland: our role is to help, enable and encourage. Britain's purpose…is not to occupy, oppress or exploit but to ensure democratic debate and free democratic choice.
> "Partition is an acknowledgement of reality, not an assertion of national self-interest".[37]

The traditional republican analysis of the British presence in Northern Ireland rested on British imperialistic self-interest. During his talks with Gerry Adams in 1988 the SDLP leader, John Hume, had tried to convince Adams that the AIA showed the British were neutral towards Northern Ireland and the real barrier to Irish unity was the opposition of Ulster Unionists, not British imperialism. Hume was unsuccessful at that stage and Sinn Féin issued *Towards a Strategy for Peace*. The document expressly rejected Hume's interpretation arguing, "Britain's continuing involvement in Ireland is based on strategic, economic and political interests".[38] By directly addressing Sinn Féin's analysis, Brooke was attempting to remove the central tenet that justified the armed struggle. Perhaps unsurprisingly republicans did not accept British assertions of neutrality. Republicans argued that the stipulation that the consent of the majority in Northern Ireland was

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[36] *The Times*, 5 February 1990.
[37] Quoted in Peter Taylor, *Provos*, London, 1998,p.318.
[38] Mallie and McKittrick op. cit., p.83

necessary for constitutional change meant the British still gave Unionists a 'veto'.[39] Yet this willingness to address republican concerns openly can be seen as at least an indication that the British Government might be moving towards considering the inclusive approach.[40]

Not all of the British overtures to the republicans were conducted in the open. In 1990 the British reactivated the 'back corridor' or 'back channel', a line of communication between the British government and the IRA. The contact had been used at various times in the past but had not been used since the end of the 1981 hunger strike.[41] The contacts between the British government and the IRA were reactivated with Brooke's agreement in 1990 because the British official who had dealt with the IRA in the past was retiring. "So it was his retirement which occasioned the question of whether it should be reactivated."[42] The decision was taken to reactivate the channel to introduce the new British Government Representative (BGR as Taylor terms the official), to the 'Contact' who acted as the go-between for communication between the British and the IRA. The series of exchanges between the British Government and the IRA continued intermittently between 1990 and 1993. Who instigated the exchanges, what the purpose of the exchanges were and what the British were asking of the IRA in return for entry into the talks, was to become a subject of dispute once the existence of the contact was revealed by *The Observer* in November

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[39] Henry Patterson op. cit., p.226.

[40] It is also worth noting that Brooke made the Whitbread speech whilst Mrs Thatcher was still in office. Brooke notes that Mrs Thatcher cleared the speech and did not seek to prevent him from making it. (Peter Brooke, interview with the author) This is may be more a reflection of Mrs Thatcher's faith in Brooke –and perhaps disinterest in Northern Ireland by this time- rather than an indication of Mrs Thatcher's movement towards inclusion. Brooke is full of praise for Mrs Thatcher suggesting she gave him a fairly free hand regarding Northern Ireland policy whilst he was NISS. "Margaret had not in anyway blocked anything I was doing. I could have no possible complaint about Margaret". He does though accept that it may have been more difficult to pursue the policy of trying to move towards inclusiveness Mrs Thatcher was still in power. "I don't know whether I would have been able to persuade her but there are *a priori* grounds for thinking that it wouldn't have worked". *Ibid.*

[41] Mallie and McKittrick op. cit. p.104-105.

[42] Peter Brooke, interview with the author. Peter Taylor names the outgoing contact as Michael Oatley. Taylor op. cit. p.322

1993.[43] (As well as causing widespread anger in Dublin as the Irish Government had been unaware of the link). The exchanges did play a part in persuading some on the British side that there might be a possibility that the IRA were contemplating an end to violence and as such this possibility should be pursued.[44] Yet it would be wrong to suggest that as a result of the exchanges the British decided to embrace inclusiveness and abandon exclusiveness. There was a caution on the British side over the bona fides of the apparent re-evaluation occurring within republicanism. This British caution was very important in shaping the development of the peace process and led to marked friction between the two governments by late 1993.

Dublin's changing attitude towards republicans?

The British government was not the only one secretly talking to the IRA in the early 1990s. In May and June 1988 Haughey had authorised two meetings between Fianna Fáil's main Northern strategist, Dr. Martin Mansergh, accompanied by Dermot Ahern, a Fianna Fáil backbencher from a border constituency. The meetings had been at the behest of Fr. Alec Reid, a Redemptorist priest based at the Clonard Monastery in Belfast. Haughey stopped the meetings as Sinn Féin had failed to persuade Mansergh and Dermot Ahern that they were, at that stage, seriously contemplating an end to violence.[45] John Hume kept Dublin informed of his own contacts with the republicans and there was some movement towards the possibility of a joint declaration by the two governments as an attempt to persuade the IRA to abandon violence. Charles Haughey had told John Major at a summit on 5 December 1991 that there was a mood for peace within the republican movement. Major,

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[43] *The Observer* 28 November 1993. The differences between the two accounts led Sinn Féin to publish *Setting the record Straight* which contains what they claim is all the correspondence between the two sides. For an analysis of how Sinn Féin's and British versions differ see *The Independent* 5 December 1993. Also see John Major's Autobiography.
[44] Robin Butler, interview with the author, John Major, op. cit., p.432.
[45] Mallie and McKittrick op. cit. pp.86-90

although sceptical, agreed to examine the possibility of working on a joint text. This initial work had to be abandoned in February 1992 when Haughey was ousted from office.[46] Haughey's successor, Albert Reynolds, was told of the exercise in a "one minute brief from Haughey" and adopted the idea.[47] Reynolds also authorised the re-opening of Mansergh's contacts with Sinn Féin in 1992 and became increasingly convinced that the IRA could indeed be persuaded to end the violence. [48] Through the Mansergh-Sinn Féin dialogue, as well as the reports Dublin received of the Hume-Adams dialogue, the Reynolds government began to believe that there might be an increasing willingness within republicanism to abandon violence. Dublin began to formulate a strategy for the two governments to act in concert with the aim of enticing the IRA to move in this direction.

By the early 1990s elements within republicanism were beginning to question the efficacy of violence and this debate was having some effect upon British and Irish government thinking. Yet the British government in particular were cautious about the extent of this debate and whether it actually represented a possible change in direction for the IRA. The British government claimed that they received a message from the IRA in February 1993 that stated, "The conflict is over but we need your advice on how to bring it to a close."[49] Robin Butler notes the mixed reactions that this message caused British policy makers, "Was this a trap? Was this a way of trying to draw us into direct contact with the IRA which they would then publicise and use it to try and embarrass the government? On the other hand (there was) the recognition that this was a tremendous opportunity and if genuine then of course we did want to help the IRA to bring the armed conflict to an end

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[46] Fergus Finlay *Snakes and Ladders*, Dublin, 1998, pp.110-112.
[47] Albert Reynolds, interview with the author.
[48] *Ibid.*
[49] John Major op. cit. p.431. Sinn Féin claim that no such a statement was ever sent. *Setting the Record Straight* op. cit. p.7.

and to proper political life".[50] Whilst this apparent movement by republicans offered opportunities that needed to be pursued by intergovernmental co-operation other factors conspired to make such co-operation difficult. The differing analysis of the two governments regarding the intentions of republicans, personal rivalries between key individuals as well as the demands on each government from their client community in the North, were to place intergovernmental co-operation under severe pressure throughout 1993.

The way forward: inter-party talks or a joint declaration?

After the breakdown of the Mayhew round of the inter-party Talks in 1992 it was the stated objective of both London and Dublin to resume the Talks. This objective was never fulfilled. The advent of the principle of inclusion made the resumption of a talks process that rested on exclusion extremely difficult. Whether the inter-party talks or the peace process should take precedence became a matter of dispute both between and within the two governments. It has been claimed that the two objectives were not mutually exclusive, that it was possible to conduct inter-party talks between the constitutional parties at the same time as exploring the possibility of creating a situation that would persuade the IRA to abandon violence. Albert Reynolds stressed the compatibility of the two as late as November 1993. Reynolds told the Fianna Fáil Ard Fheis "Peace cannot wait for a political settlement. It is needed now. But peace will improve the prospects of achieving a durable political solution. While our first priority is to establish peace, which I see as a distinct but separate process, I also believe the talks process must be resumed immediately".[51] Indeed throughout 1993 the governments had attempted to restart the talks process. It was reported in September that the two governments had decided to try

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[50] Lord Butler, interview with the author.
[51] *Irish Times* 8 November 1993

and restart the process and NIO Minister Michael Ancram was delegated to hold bilateral meetings with the leaders of the constitutional parties to try and find a basis for resuming the talks.[52] Whilst it may be the case that the two governments would have liked to see talks resume, in reality there was little chance of this. For the talks to resume the participation of all constitutional parties along with the two governments was obviously required. By the time the 1992 phase of the talks came to a close there was a feeling that the SDLP were more interested in the debate they were detecting within the republican movement than with any possible agreement with Unionism. The British Prime Minister, John Major, suspected that the SDLP and Dublin had little interest in the talks process by 1993.[53] Similarly the dialogue that Hume had started with Adams increased Unionist suspicions and made them more reluctant to re-enter all party talks.

There is also evidence that the question of whether to re-start the talks process or pursue the joint declaration/peace process route caused friction between the two governments. Given the British scepticism as to the likelihood of the IRA renouncing violence London were far keener on restarting the talks process than Dublin. It appears that Mayhew's belief that the talks process offered the greatest chance for peace was shared by Dick Spring when he became Ireland's Minister of Foreign Affairs in the newly formed coalition government in January 1993.[54] In one of his first major speeches on Northern Ireland in March 1993 Dick Spring appeared to be advocating a resumption of the talks when he urged, "Let us resume our dialogue. I would ask Northern Ireland parties,

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[52] *Independent* 11 September 1993

[53] John Major op. cit., p.442.

[54] The Fianna Fáil-Labour coalition had a 42 seat majority, the biggest "in the history of the State". (Duignan *One Spin on the Merry-Go-Round* op. cit. p.83) The previous Fianna Fáil-Progressive Democrats coalition had collapsed in November 1992 (Bew and Gillespie op. cit. p.276). The Labour Party doubled their representation in the Dáil in the December 1992 election and secured six cabinet seats in the new government. (Duignan *One Spin on the Merry-Go-Round* op. cit.p.82). Albert Reynolds remained Taoiseach.

particularly the Unionist parties, to meet again with the Irish Government".[55] In their study Mallie and McKittrick claim that the commitment of Spring to reviving the talks nearly ended the joint declaration initiative. "With Spring and Mayhew interested in reviving the all-party talks, the declaration seemed all but dead".[56] Mallie and McKittrick claim that it soon "became apparent that Spring was pursuing his own line on Northern Ireland". Spring though claims that this was part of an agreed plan as he and Reynolds agreed to "divide the brief".[57] Others see the division of the brief in more Machiavellian terms with Reynolds allowing Spring to carry out the difficult and unlikely task of attempting to restart the talks whilst he dealt with the more high profile and potentially more dramatic joint declaration idea. Séan Duignan recalls,

> "Albert, brilliantly and cleverly, selfishly, simply decided: let him do all the complicated (stuff), 'three strands'? No one knows what that is. The only thing people want to know is are we going to get peace? So he'd leave him deal with all these complexities and he would say 'Peace! Peace!' (Reynolds would) have him (Spring) going back and forth, complicated Framework Document. Framework Document? Nobody understood what the Framework Document was. 'He can have all the Framework Documents and the three strands approach and all that stuff. I'll do the peace, peace!'
> "That's politics, and Spring resented it".[58]

Whilst Spring may have favoured a resumption of the all-party talks and had reservation about the ability of a joint declaration to deliver peace[59] there is evidence that by late 1993 he too was increasingly sceptical of the possibility of restarting the talks. In an interview in July 1993 Spring advocated the possibility of the two governments drawing up proposals themselves and going over the heads of Northern Ireland politicians if it proved impossible to restart the talks. Spring also refused to rule out joint authority claiming

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[55] *Irish Times* 16 March 1993
[56] Mallie and McKittrick op. cit., p.208.
[57] *Ibid.* p.164.
[58] Séan Duignan, interview with the author. The Frameworks Documents was a propsal for the future government of Northern Ireland drawn up by the two governments to facilitate talks. It was eventually published in February 1995.
[59] Mallie and McKittrick op. cit., p.164.

"these are very interesting ideas and deserve to be studied very closely".[60] This could be seen as a ploy by Spring to try and galvanise Unionists into taking a more responsive approach to the talks initiative under the threat of Anglo-Irish action over their heads. However, this was not particularly likely and would not deal with the fact that the SDLP was showing little inclination at this time to engage in the inter-party talks. As time went on it became increasingly clear that, despite public protestations to the contrary by the two governments, there was little hope of advancing the exclusion based talks whilst the inclusion inspired joint declaration idea was not resolved. The apparent commitment on the British side, especially of Patrick Mayhew, to restart the talks became a source of friction between the two governments with Albert Reynolds pushing hard for a peace first, talks later, formula. Fergus Finlay, Dick Spring's chief adviser, gives an impression of the problem. "The British government was forever seeking to get the all-party talks …restarted. For our part, we were now firmly embarked on a process aimed at getting everyone into these talks. This would be argued out at meeting after meeting, and occasionally caused exasperated exchanges between Ministers".[61] Yet evidence exists that at least some within British policy making circles had accepted that the all-party talks between constitutional parties structure had run its course. Sir John Chilcott, who as head of the NIO was very involved in the Brooke-Mayhew Talks, suggests that the British were not necessarily unhappy when the Talks collapsed:

> "…there did come a moment when John Hume as it were pulled the plug on the all-party talks…because John Hume had at that point, if not sooner, come to the conclusion that there was a better deal that would encompass Sinn Féin as well. Therefore it would actually be catastrophic to have a non-Sinn Féin all-party constitutional agreement because to get Sinn Féin subsequently in would be far too difficult. You'd have to renegotiate the whole thing. That would be my sense of where John Hume and the SDLP were through that phase. …I thought this was very good news because this means Hume thinks the game is on with Sinn Féin".[62]

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[60] *The Guardian* 8 July 1993.
[61] Fergus Finlay op. cit. p.190

The issues around the resumption of the talks can be seen as a sideshow: the joint declaration/peace process was moving centre stage.

Negotiating the joint declaration

As noted above the idea of a joint declaration issued by the two governments spelling out the rights and opportunities for all involved in the Northern Ireland issue had been around since at least late 1991 (and John Major actually dates it to the Hume-Adams talks of 1988).[63] The work between the two governments had begun under Haughey and Major in 1991 but the real period of negotiation between the two governments was in the late 1992-December 1993 period. The genesis and development of the joint declaration, which became the Downing Street Declaration (DSD) signed in London on 15 December 1993, is complex. John Hume had given a version to Haughey in October 1991, two months before Haughey suggested the initiative to Major.[64] Given the numerous drafts that the document went through the eventual DSD is a very different document from the first 'draft' that Hume gave to Haughey. As a result of the sporadic and complicated work carried out on the project over the two-year period it is difficult to identify the 'authors' of the document and identify whose 'fingerprints' are on it. During the negotiating period the association of the joint declaration idea with the Hume-Adams talks proved very problematic for the British who were worried about the likely Unionist reaction to an initiative that was in any way associated with Gerry Adams. The existing analysis of the formulation of the DSD rightly portrays it as an Irish inspired initiative but underestimates the input of the British side into the document. Whilst it is true that the Irish were instrumental in pressing the initiative, often in the face of a less than enthusiastic British government, some accounts portray the British side as too passive in the process. In what is one of the most detailed

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[62] Sir John Chilcott, interview with the author.
[63] John Major op. cit. p.447.

accounts produced so far of the evolution of the peace process and the negotiating of the DSD Mallie and McKittrick claim "the Declaration was in effect the culmination of a line of documents which had an input not only from Dublin but also from Hume, the army council of the IRA, loyalist paramilitary groups and Protestant clergymen". The glaring omission from this list is the British Government. Mallie and McKittrick do quote a British source prior to this claiming that the declaration "came about through a genuine process of two sides putting in their own ideas and eventually hammering out a deal".[65] Yet there is a tendency in their work to portray the DSD (and by implication the peace process) as not just being the idea of Irish nationalists but the result of Irish nationalists domination of the negotiating process. The negotiations need to be contextualized and the constraints operating on the two governments need to be examined. An analysis of the earlier drafts of the agreement compared to the eventual DSD illustrates a larger input for the British than some accounts suggest.

The intra-Irish negotiations

The talks regarding the possibility of a joint declaration were placed on an inter-governmental level in January 1992. The Irish gave the British government a draft version of a joint declaration, which was the result of talks between Dublin, John Hume and Sinn Féin. The draft was the outcome of consultation and re-drafting of the version that Hume had written in October 1991 and shown to Haughey. Haughey's adviser, Martin Mansergh, along with two Irish officials, Dermot Nally and Sean O h Uiginn (then head of the Anglo-Irish division of Department of Foreign Affairs) redrafted the document. The draft was then shown to Adams by John Hume and eventually presented to the British

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[64] This draft is reproduced in Appendix 1 of Mallie and McKittrick op. cit. pp 371-372.
[65] *Ibid*. p. 271.

Government.[66] From the British point of view this draft and an alternative one given to the British Government the following month by John Hume were unacceptable. According to John Major, "They were utterly one-sided, so heavily skewed towards the presumption of a united Ireland that they had no merit as a basis for negotiations."[67]

The document drawn up by Hume, Mansergh, Nally and O h Uiginn stressed the importance of European integration and the likelihood that it would erode national boundaries. Contentiously it proposed that the British government should sign up to the statement that "The British Government acknowledge it is the wish of the people of Britain to see the people of Ireland live together in unity and harmony..." This apparent commitment by the British Government to Irish unity was not going to be acceptable to the British Government. But other aspects such as the acknowledgement by the Irish that the "agreement and consent of the people of Northern Ireland" was necessary for unity were seen as a helpful statement.[68] The draft that Sinn Féin sent back to John Hume and the Irish government (and the one that Major suggests Hume passed on to London) in February 1992 went further. In the Sinn Féin draft not only did the British acknowledge "it is the wish of the people of Britain to see the people of Ireland live together in unity and harmony" but Sinn Féin called for a greater commitment to Irish unity from the British. The draft stated, "The British government, consequently, commits itself to such unity (within a period to be agreed) and to use all its influence and energy to win consent for this policy". In this respect the Sinn Féin draft was even less acceptable to the British side than the Irish draft. This draft repeated the republican movement's traditional demand for a timetable for withdrawal and saw the British as becoming persuaders for unity, a role the British were completely unwilling to consider. However, one element of the Sinn Féin

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[66] Mallie & McKittrick op. cit., p.123.
[67] John Major op. cit. p.447.

draft that both Hume and Dublin saw as an encouraging advance by Sinn Féin was the statement that the Irish government should state that the "democratic right of self-determination by the people of Ireland as a whole would be best achieved with the agreement and consent of the people of Northern Ireland..." Whilst in this draft agreement of a majority in the North was not a prerequisite to unity Sinn Féin did appear to be factoring Unionist opinion into the equation.[69] By June 1992, according to Mallie and McKittrick, Sinn Féin had apparently accepted that the status of Northern Ireland could not be changed without the consent of the people of Northern Ireland.[70] This did suggest an advance of sorts in republican analysis as it implicitly acknowledged the 'Unionist veto' that they had so long denied.[71] The draft also suggested that a willingness on the part of the republican movement to accept "exclusively…peaceful political means".[72] Dublin and John Hume saw this as a breakthrough. This intra-Irish redrafting of the proposed joint declaration continued throughout the negotiating period.

The intergovernmental negotiations

The intergovernmental redrafting began in earnest in 1993. In June 1993 Albert Reynolds gave the British Cabinet Secretary, Sir Robin Butler, a draft of the proposed declaration at Baldonnel military airbase.[73] There is a certain amount of confusion as to what exactly the document that Reynolds gave Butler at Blandonell was. There is no doubt that Sinn

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[68] Reproduced in Mallie & McKittrick op. cit. p. 371-373.
[69] *Ibid.* p. 373-374 for the text and p.150 for analysis.
[70] *Ibid.* p.150. This is based upon the statement in Sinn Féin's June 1992 draft, "the democratic right of self-determination by the people of Ireland as a whole must be achieved and exercised with the agreement of the people of Northern Ireland". (*Ibid.* p.376).
[71] The statement is perhaps more ambiguous than Mallie and McKittrick allow for as it does not stipulate that the agreement of a *majority* of the people of Northern Ireland is needed, nor does it identify how such agreement will be measured.
[72] Fergus Finlay op. cit. p.188
[73] Albert Reynolds had wanted to secretly fly to London and give the draft personally to Major. He was dissuaded from this course of action by both the British, who did not believe they could keep such a meeting secret, and by his coalition partner, Dick Spring, who allegedly told Albert Reynolds that he would be "on his own" if he took this course of action. This incident apparently led to a souring of the Spring-Reynolds relationship. *Ibid.* p.188-189 and Sean Duignan *One Spin on the Merry-Go-Round* op. cit. p.103.

Féin passed a draft document to Dublin via John Hume in the first half of 1993. (Mallie and McKittrick date it as June, Dermot Nally recalls it as being in April.[74]) Fergus Finlay suggests that the document Reynolds gave to Butler was basically the one that Sinn Féin had sent to Dublin. "The document was sent to the British government a few weeks later as an Irish government draft – which it was since it had originated from Martin Mansergh in the first place".[75] Reynolds himself is a little ambiguous on this point. He notes that the document was "a mixture of everything" but also suggests that it was basically the document provided by Sinn Féin. Reynolds recalls "That document in June that was given to Robin Butler was basically the republican's side, the republican case. I was asked to put that forward in that shape and that form and I did but I said it's not going to run, there's no balance in it from a Unionist point of view".[76] However Dermot Nally is adamant that the document Reynolds passed to Butler was indeed an Irish draft that had been reworked from the Sinn Féin version. Nally recalls Hume passed on a document to the Irish government that "he had been working on with Adams. It was taken apart and put together again by the Taoiseach's Department. In other words it was almost completely redrafted and then in a very much refined form it was handed over by Reynolds (to Robin Butler) in June 1993".[77]

The parentage of the document was important. The British were unwilling to be seen to be negotiating on the basis of any document that could be linked to the Hume-Adams dialogue (although they were secretly talking to Sinn Féin at this time). Reynolds recalls that Major was firm on this point. He recalls that he told Major that he had indirect contacts with the republicans (Martin Mansergh was back in talks with the Sinn Féin

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[74] Dermot Nally, interview with the author.
[75] Fergus Finlay op. cit. p.189.
[76] Dermot Nally, interview with the author.
[77] *Ibid.*

leadership by this stage). "John said, 'Anything I get from you, I want it to be coming from the Irish Government'. I said, 'Fine, I'll stand over that. Anything you get from me will be (from the) Irish Government".[78]

Whatever Reynolds agreed with Major regarding the status of any documents he would pass to London it is clear that Sinn Féin heavily influenced this Irish draft. Martin Mansergh is explicit on this point in his account of the development of the peace process. Mansergh describes how the republican's stance on three key issues caused problems for the Irish Government. These points were the desire for "a definite timescale for agreement"; the issue of how the right of Irish self-determination would be applied; and the desire that Britain became persuaders for unity.[79] These were the issues that became the focus of the intergovernmental stage of the negotiations and on each issue the republican demands were not met. Dublin was, according to Mansergh, "determined not to subscribe to anything that would clearly be at variance with its international obligations, principally the Anglo-Irish Agreement". However, Mansergh acknowledges that the draft Reynolds gave to Butler in June 1993 "went to the outer-limits of what was acceptable".[80]Mansergh, along with Nally, suggests that the Irish government fundamentally redrafted the document but it was done as a result of on-going consultations with the republican movement. This is hardly surprising. The whole purpose of the joint declaration was based on the inclusive principle, the desire to create a situation that would persuade the IRA to abandon violence. Therefore it was essential that those drafting the declaration should ascertain from republicans what was necessary to achieve this end. This is not though, as the final form of the Downing Street Declaration illustrates, the same as surrendering the initiative to republicans. There is an element of careful management here. The British knew that the

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[78] Albert Reynolds, interview with the author.
[79] Martin Mansergh op. cit. p.154

Irish were in contact with republicans but could not be seen to be negotiating, even at second or third hand, with republicans. At the same time, as noted above, the British had secretly been in contact with republicans themselves to ascertain under what conditions the IRA would abandon violence.

Hume-Adams and the joint declaration

The joint declaration idea had originated from the John Hume and the Hume-Adams talks. It had been shaped by subsequent discussions between the two parties and Dublin. However, once the issue became the focus of intergovernmental talks, primarily after June 1993, the association it had with the Hume-Adams dialogue became seen by some as a hindrance rather than help. By mid 1993 Albert Reynolds was convinced that a joint statement by the two governments that acknowledged the right of Irish self determination and stated that the British would support Irish unity, if it was the wish of the majority in Northern Ireland, could lead the IRA to abandon violence. Yet the British were more sceptical about the initiative. The Irish side were keen to stress that the initiative was an intergovernmental one and play down any link with the Hume-Adams dialogue. The problem was that the Hume-Adams dialogue was continuing and John Hume was not happy to take a backseat and allow the negotiations to be conducted purely at the intergovernmental level. Dublin became increasingly unhappy over what they saw as unhelpful interventions by John Hume. There seems to have been an element of rivalry between John Hume and Albert Reynolds during the negotiations. Whilst the intergovernmental negotiations were taking place Hume was also lobbying London and "openly disparaged Reynolds's efforts…Over the summer (of 1993) the Dublin government vied with Hume for being the better channel for London in discussion of the declaration of the proposal. Hume asserted that he, uniquely, had managed to persuade the

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[80] *Ibid.* p.154

Army Council of the IRA to agree to the consent principle, and thus London could have no hope of being party to any future discussions unless they accepted his approach".[81]

Although Hume's dialogue with Adams had been instrumental in the development of the joint declaration idea and Hume had indeed written the first draft of the declaration, it was with Dublin rather than Hume that the British Government needed to work. The reason for this was simply that it was the Irish Government and not Hume who could deliver change in the South and the British government who could deliver change in the North. Whilst John Hume had enormous popularity both within Ireland and abroad he had no power. His was a position of tremendous influence rather than power. Albert Reynolds suggests that Hume himself was aware of this. "John Hume had previously engaged Gerry Adams, off and on, in dialogue, trying to bring him in from the cold and he came to me and (said he) felt that there was a window of opportunity there to be explored and exploited but the two governments had to take on the job. He couldn't go any further, he couldn't deliver anything to them".[82]

Hume did not step back once Albert Reynolds and John Major moved the issue onto the intergovernmental level. On 24 September 1993 John Hume and Gerry Adams announced that they had concluded their discussions and would be passing their findings onto Dublin. This caused consternation in Dublin as the Irish were by then working on the text of a joint declaration with a cautious British government. As Albert Reynolds's Press Secretary observed Hume and Adams were "disconcertingly upping the ante".[83] What made matters worse from the Irish point of view was that not only did such comments increase British unease over the initiative but the apparent report from Hume and Adams failed to

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[81] Anthony Seldon op. cit. p.419.
[82] Albert Reynolds, interview with the author

materialise. Just after this statement Hume went to America without forwarding the report. In fact this Hume-Adams report never materialised in a written form though Hume did meet Albert Reynolds and Dick Spring on his return from America to brief them on his discussions with Adams.[84] The term 'Hume –Adams' became a shorthand for the joint declaration idea and the movement towards inclusiveness. As Séan Duignan recalls of Hume-Adams:

> "(Martin) Mansergh used to say to me that Hume-Adams didn't exist. It was somewhere on the back of an envelope that Hume jotted down…You could never pin it down, they could never get their hands on the damn thing…Hume-Adams was, I suppose, really…the essential concept that people finally bought into…inclusivity…. It was about saying: 'if we can't defeat these guys, will we just include them in'?…And the answer, according to Reynolds and ultimately the British Government, was: yes."[85]

Hume kept up the pressure although he was being strongly criticised for his talks with Gerry Adams.[86] On 22 October John Hume attempted to increase the pressure on the two governments further by telling the House of Commons:

> "the dialogue in which I am engaged has been the most hopeful sign of lasting peace that I have seen in 20 years, I do not make statements like that lightly…I should like to see the two Governments meeting next week. I am standing here and telling the Government that I believe that we have a real process of lasting peace and a total cessation of violence…I am saying to them, "Hurry up and deal with it"[87]

Why then did John Hume continue to put pressure on the two governments once the intergovernmental discussion of the joint declaration idea had begun? There is no doubt that Hume genuinely believed that a real opportunity for peace existed and he was pressing the two governments to act so the opportunity would not be missed. Hume was increasingly frustrated at what he saw as British reticence on the issue and believed that

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[83] Sean Duignan *One Spin of the Merry-go-Round* op. cit. p.104.
[84] Albert Reynolds and Dermot Nally, interviews with the author. See *Daily Telegraph*, 8/10/93 for a report of Hume's meeting with Reynolds and Spring.
[85] Séan Duignan, interview with the author.
[86] *Independent* 5 October 1993.
[87] House of Commons, *Debates*, vol.230, cols.529-530, 22 October 1993.

without his pressure the British government may drop the initiative. There was, however, a belief in Dublin that Hume's actions were also a result of a fear that the Irish government, particularly Albert Reynolds, would seek to minimise Hume's involvement and take the credit for any subsequent developments. John Hume, with considerable justification, felt that he had created the situation and resented apparent attempts to sideline him. Those close to the Reynolds government also believe that personal rivalry between Hume and Reynolds was a factor. As Séan Duignan put it:

> "I think the Hume-Reynolds thing is basic personal jealousy. John Hume would see himself …as the man who started it all, with Adams. He took huge risks, he ran it and he wasn't about to let Reynolds take the lion share of the credit... These guys were ankle-tapping one another on the way to Oslo for the (Nobel) peace-prize. It wasn't pleasant to watch but that's politics, that's the way it works…they didn't trust one another".[88]

Whatever the reason for the pressure that Hume put on the two governments its effect was to cause problems between London and Dublin over the joint declaration idea.

Strains in the intergovernmental relationship

The joint declaration versus inter-party talks was not the only strain evident in the intergovernmental process during 1993. After the handing over of the 'Irish' draft of the joint declaration by Albert Reynolds in June the Irish side pushed the initiative strongly. Martin Mansergh notes when Reynolds gave the British the draft "To say that they handled it with kid gloves would be an understatement. They were prepared to discuss it but not negotiate it, and on several occasions in the autumn of 1993 many of them would have preferred to put it aside".[89] Mallie and McKittrick also portray the British as extremely reluctant claiming "it was clear from an early stage that London regarded the joint declaration not as a potentially historic formula for peace but as an unwelcome hot

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[88] Séan Duignan, interview with the author. Dermot Nally made a similar point, interview with the author.
[89] Martin Mansergh op. cit., p.154.

potato".[90] Yet from the British point of view there were two inter-related concerns. Firstly, as noted earlier, there was a fear that the apparent consideration by the IRA of an end to violence may be a trap designed to entice the British into embarrassing negotiations. But this is not as relevant when considering the issue of intergovernmental negotiations. The second reason was concern over what the Unionists would make of any initiative. Secret negotiations with the Irish government which appeared to be designed to produce a document advocating Irish unity and committing the British government to persuading the majority community to accept this unity was unlikely to be well received by the Unionists. A consistent complaint by the British was that the Irish Government and Washington simply factored the Unionists out of the equation. John Major claims, "We constantly had to remind Dublin and Washington that there were two sides to this conflict. In their eagerness to strike deals with the Provisionals, both sometimes seemed to overlook the existence of the Unionists".[91] The British felt that the Irish Government had a somewhat unrealistic view of the London-Unionist relationship. Robin Butler recalls, "I throughout felt the Irish Government always felt it was much easier for the British Government than it was. Repeatedly they would say, 'Look. Just make an agreement with us, why do you need to worry about the Unionists? Tell the Unionists, you're the Government'. Whether they really believed this I never knew."[92] For Butler what the Irish side saw as Major's foot-dragging over the initiative was simply the prime minister working within the existing restraints that he faced. "I would describe it as going along with it cautiously and he had to go along with it cautiously because there were elements in his cabinet, and certainly in the party, that were profoundly sceptical of all this, felt that it was a conspiracy to edge Britain into abandoning the Unionists. They had to be reassured all the time. Indeed we had to reassure ourselves. John Major had to reassure himself that he wasn't allowing himself to

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[90] Mallie & McKittrick op. cit., p.185.
[91] John Major op. cit. p.442

be enticed into something by the IRA or the Irish government that would show him selling the principles that the British Government stood by down the river".[93] There was also a difference in terms of the system of government between the two states, or at least the perception that each side had of the other's system. What the Irish saw as a lack of leadership and commitment on the British side due to the opposition of key figures, the British explain in terms of the process of government. John Chilcott claims, "I don't think they ever, as their own system, as we read it, was really quite different much more individualised, I don't think they ever understood the slow, cumbrous, monolithic, elephantine tread of British policy. That it doesn't actually matter that much who's for and against. If you've got the red light you stop and if you've got the green light you march and if it's amber you get ready to march. And that's really what it is."[94]

What then were the principles that the British Government was wary of being seen to sell down the river? The prime areas of concern were the suggestions that the British should acknowledge the right of Ireland to self-determination; state their support for a united Ireland; and pledge to take on the role of persuaders for this unity. The negotiations were characterised by the Irish pressuring the British to sign up to the joint declaration idea and the British trying to reduce Irish expectations as to what was realistic. For much of the period of intergovernmental talks on the joint initiative idea the British Government were also in contact with Sinn Féin through the back corridor. Sinn Féin's own account of the contacts confirm that the British Government were unwilling to contemplate advocating a united Ireland or taking the role of persuaders for unity. In a nine-paragraph document sent to Sinn Féin in March 1993 the British government set out their basic position in order that "both sides have a clear and realistic understanding of what it is possible to achieve".

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[92] Lord Butler, interview with the author.
[93] *Ibid.*

In the document the British government stipulate that, "The British government does not have, and will not adopt, any prior objective of "ending partition"…It has accepted that the eventual outcome of...(a talks) process could be a united Ireland, but this can only be on the basis of consent of the people of Northern Ireland."[95]

Although the British were cautious about the joint declaration initiative they were willing to explore the idea with the Irish. One reason for the apparent interest in the joint declaration route was that the collapse of the inter-party talks persuaded the British not to reject the initiative out of hand.[96] However, the British were unwilling to endorse the June 1993 draft. Albert Reynolds argued that the draft showed a movement by the republicans, which John Major accepted. The problem remained the draft's assertion of the right of Irish people as a whole to self-determination (as opposed to need for consent of a majority in Northern Ireland to change) and the idea of the British being persuaders for unity. For Major this meant the draft "simply was not a starter…it remained a Nationalist manifesto, not a potential agreement".[97] These reservations aside the British allowed discussions on the joint declaration idea to continue between officials. These talks made little progress and one participant described their pace as "somewhat desultory".[98]

The end of the joint declaration initiative?

By late September 1993 the British appeared to have decided that the initiative was not a worthwhile option. Four inter-related reasons seem to account for this decision: the effect of the Hume-Adams declaration; Westminster arithmetic; opposition within the British cabinet and Molyneaux's objections to the draft.

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[94] Sir John Chilcott, interview with the author.
[95] *Setting the Record Straight* op. cit. p.27.
[96] Anthony Seldon op. cit., p.418
[97] John Major op. cit. p.449.

In their statement on 25 September, noted above, John Hume and Gerry Adams announced they had concluded their discussions and were waiting for the response of the two governments. John Major notes that as a result the "ball was placed publicly in our court; and yet the prospect of securing Unionist agreement to anything emanating from Adams and Hume was nil".[99] The British government's demands that anything they got from Dublin was Irish not Hume-Adams inspired were undermined by the announcement. The British already sceptical about the initiative were even more reticent a result of Hume and Adams "upping the ante." The British made it clear to Dublin that "they would have no truck whatever with any document that had Gerry Adams' fingerprints on it".[100]

This fear of alienating Unionists was also believed to have been heightened by Westminster arithmetic. John Major's Conservative Party had a slender majority in the House of Commons. In July 1993 the Major government was in a precarious position, facing a vote of confidence over the Social Chapter part of the Maastricht Treaty, an issue that had deeply divided his parliamentary party. The 9 UUP MPs supported the government on the vote and rumours abounded of a deal between the government and James Molyneaux's party. Speculation centred on a phone call that Major had made to Molyneaux before the vote, and an hour and a half meeting between Patrick Mayhew and an Ulster Unionist MP -and future leader- David Trimble. 'Senior Conservatives' were quoted as saying Unionists "can have anything they want, short of the Anglo-Irish Agreement, which they know we cannot abandon..."[101] Both the government and the Unionists denied that any deal had been done to secure the UUP's support over Maastricht

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[98] Finlay op. cit., p.193.
[99] Major op. cit., p.450
[100] Finlay op. cit., p.194.
[101] *The Independent* 24 July 1993.

but Molyneaux told journalists that he expected the AIA to " wither" and the Conservative Party's organisation in Northern Ireland to collapse. Rumours of an agreement to set up a select committee for Northern Ireland legislation at Westminster, a long held Unionist desire, further incensed nationalists.[102] Whatever the reality of the situation, the suspicion of a deal was enough to strain Anglo-Irish relations. Albert Reynolds claimed that under the Anglo-Irish Agreement Dublin had the right to be consulted about plans for a select committee. Reynolds said he accepted Major's assurances that no deal had been done but pointedly noted, "Some people forget that the Anglo-Irish Agreement gives the government the right of consultation on Northern Ireland matters. We have the right and we will insist on that right".[103] Dublin went further and threatened to highlight their concerns in the US and Europe if a select committee was created.[104] Sinn Féin were convinced that Major was increasingly reliant on Unionist support at Westminster and claimed this was instrumental in causing the British to harden their position in the secret talks they had been holding with republicans.[105] However, the IRA's bombing of the Opera House in Belfast seems to have been more influential in this respect.[106]

The third related factor that led the British to back away from the joint declaration initiative was unease within the British cabinet over the direction of inclusiveness and the joint declaration. Around this time Major widened the number of people in the cabinet who knew of the initiative and whilst they agreed "on bottom-line negotiating objectives" Major notes, "many of my senior colleagues were very sceptical of our chances of achieving them and concerned at the risk of a failed negotiation". This cabinet scepticism

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[102] *Ibid.* and 28 July 1993.
[103] *Ibid.* 27 July 1993.
[104] *Ibid.* 30 July 1993. (A Select Committee was eventually set up in December 1993, after the Downing Street Declaration was signed, *The Guardian* 17 December 1993.)
[105] *Setting the Record Straight* op. cit. p.14.
[106] Major op. cit., p.443

led Major to send Robin Butler over to Dublin to tell the Irish that the British had decided not to run with the joint initiative idea. Major states, "I wanted Albert Reynolds to understand that the Joint Declaration, in its existing form, had no hope of winning British or Unionist acceptance, and suggested that we should look at other ways of moving forward". [107]

The fourth and highly influential factor was the opposition of James Molyneaux to the draft declaration. A striking difference between the negotiating of the Downing Street Declaration and the AIA is the fact that in 1993 the main Unionist leader was informed and consulted over the process in a way that he had not been in 1985. This was a conscious decision by the British Government who had learnt from the AIA period. The British Government was determined that any agreement between the two governments in 1993 would be broadly acceptable to the main Unionist party (though Ian Paisley of the more hard-line DUP was deliberately excluded). Although there was a broad acceptance within British (and Irish) circles that Unionism needed to be consulted there was great anguish regarding at what stage this consultation should be carried out and great trepidation as to what Molyneaux's reaction was likely to be. As Robin Butler explained:

> "One of the most difficult decisions we had to make was at what point we brought in the Unionists? John Major was always anxious that if he did it behind the Unionists back he was asking for trouble. If, however, he brought in the Unionists there could have been an explosion, not a physical explosion, but a political explosion, and Unionists could have said 'this is outrageous' and published the whole thing and said they weren't going to have anything to do with it; and of course that would have wrecked it. I think someone who should take tremendous credit from this is Jim Molyneaux. I remember the nervousness with which John Major told him; showed him the draft that we had got from Reynolds, and the ways in which we were seeking to amend it. Jim Molyneaux gave us some advice and at one point on the basis of Jim Molyneaux's advice the British Government decided the joint declaration had no future. But he never betrayed these confidences; he acted in a very statesmanlike way. He gave good advice to the British Government about the likely attitude of the Unionists, and there were no histrionics."[108]

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[107] *Ibid.* p.450.
[108] Lord Butler, interview with the author.

It was Molyneaux's reaction when originally shown the draft in late September that seems to have been a key factor in causing John Major to send Robin Butler to advise Dublin that "Downing Street is not interested".[109]

Moving in the right direction: the effect of Irish-Unionist consultation and physical violence.

Sir Robin Butler went to see Albert Reynolds with Major's "deliberately discouraging message"[110] on 19 October 1993. The message appears to have had the effect the British desired. As noted above one of the key concerns for the British was that any declaration, although primarily designed to entice the republicans away from violence, must be acceptable to the Unionists. Albert Reynolds told the British Cabinet Secretary "OK, let me just talk to one or two Unionist friends of mine in the North and see what they think of it and see if they can suggest some ways forward".[111] Again this is a striking change to the 1985 period. Dublin as well as London was conscious of the need to keep the Unionists on side in 1993 and both governments consulted widely within the Unionist community. Reynolds is critical about the exclusion of Unionists during the negotiation of the AIA. "I thought (excluding the Unionists from the negotiations) was a mistake. How could you possibly get it through, saying the Unionists don't count? A million people. You have to bring them with you. Leadership is about bringing people with you. I wasn't going to repeat that mistake. They (were) going to have their input."[112] To this end Albert Reynolds met regularly with Church of Ireland Archbishop, Robin Eames and officials (such as Finlay and Mansergh) met with representative of loyalist paramilitaries. Another important contact was the Presbyterian minister, Rev Roy Magee who liased with loyalist

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[109] Duignan, *One Spin on the Merry-Go-Round* op. cit., p.105.
[110] Major op. cit. p. 450
[111] Lord Butler, interview with the author.

paramilitaries.[113] Reynolds asked Roy Magee to get the loyalists to "set out to me what they were fighting for, what they wanted protecting in any new movement".[114] As a result the loyalists set out 6 principles and these principles were put into what eventually became the DSD. (The principles are contained at the end of paragraph 4 and represent a mini bill of rights. The six are the rights to: free political thought; freedom of expression of religion; freedom to pursue political aspirations; freedom to seek constitutional change by political means; freedom to live where one chooses; and equal opportunity in social and economic activity.) The Irish government incorporated these points in a new draft that was forwarded to London. Butler notes that the inclusion of these points "made the document much more acceptable. When we next saw it and showed it to Molyneaux, Molyneaux said: 'This is beginning to move in the right direction'."[115]

By this stage the draft declaration was beginning to become more balanced, noting the obligations that would be on the Irish as well as the British government as part of any overall settlement and moving away from being "a Nationalist manifesto". Although the drafting process was continuing at the intergovernmental level the whole initiative was shaken by a marked escalation of violence in October. The catalyst for this was an IRA bomb explosion in a Shankill Road fish shop on 23 October. The Shankill bomb killed ten people including one of the bombers, Thomas Begley. The IRA claimed that the bomb was intended for the UFF who they believed were meeting in a UDA office above the shop.[116] No such meeting was taking place and the dead were Saturday shoppers on the Shankill. This bombing caused a wave of tit-for-tat violence with loyalists attacking

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[112] Albert Reynolds, interview with the author.
[113] *Ibid.*; Finlay op. cit. pp199-201; Duignan, *One Spin on the Merry-Go-Round* op. cit., p.101 and Mansergh, op. cit., p.154-155.
[114] Albert Reynolds, interview with the author.
[115] Lord Butler, interview with the author.
[116] Bew and Gillespie *The Northern Ireland Peace Process 1993-1996. A Chronology* London, 1996, p.22.

Catholics. A week after the Shankill bombing two UFF gunmen murdered seven people in a pub in Greysteel, Co. Londonderry, claiming the attack was on the 'nationalist electorate' in revenge for the Shankill bomb.[117] The sight of Gerry Adams carrying Begley's coffin increased denunciations of both Adams and Hume in the British and Irish parliaments. Hume broke down at the funeral of a Greysteel victim under the pressure and complained to friends that he was being "hung out to dry" and elements of the Irish government began to suspect the Hume was near to a breakdown.[118]

Perhaps surprisingly the increase in violence at this late stage in the negotiations contributed to the joint declaration process. In fact John Major claims that the whole initiative "would have broken down had not the Shankill and Greysteel tragedies intervened". Major argues that, "In the wave of revulsion that followed the Shankill bomb, the Irish Government took a more critical attitude to the Hume-Adams process". [119] Major is correct in his evaluation that the events of October shocked the Irish Government. The incident according to a Dublin source left Albert Reynolds and Martin Mansergh "at a complete loss. They didn't know what to do next, or how to proceed…" Reynolds sent a message to Sinn Féin saying, "If I am to continue with this process this thing has got to stop". Reynolds also appreciated the problems that the Shankill bomb and Adams' carrying of the coffin caused for Major. "He was put in an extremely difficult and delicate position. I was really annoyed with it – to be honest I thought for some time that it would probably blow the whole thing sky high". [120] (Though Reynolds appreciated that Adams had no choice but to carry the coffin if he was to retain any credibility and influence within

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[117] *Ibid.* p.24
[118] Séan Duignan *One Spin on the Merry-Go-Round* op. cit., p.105, Dermot Nally, interview with the author.
[119] John Major op. cit., p.450.
[120] Mallie & McKittrick op. cit. pp.202-203.

republican circles.)[121] As a result of the deteriorating situation, but also as an attempt to show Sinn Féin that Shankill did not necessarily mean that they would not be allowed to enter the political process if the violence ended, Dick Spring spelt out six democratic principles in the Dáil. The six were that the Northern Ireland situation should not be changed by the use or threat of violence; any settlement required freely given consent: no talks are possible between the government and those who use or threaten violence; no secret deals are possible between governments and those who use or support violence as a price for a ceasefire; those claiming to advance peace must renounce the use or support of violence and finally if violence was renounced and demonstrated "new doors could open".[122] (There was a drafting error in one principle, which appeared to state that the Unionists had to agree to a change in Northern Ireland's status, rather than a majority in Northern Ireland.[123]) Spring argued if these principles were accepted they could from the basis for peace. These principles were welcomed by the British Government and were echoed by Major and Reynolds a few days later.

The Brussels summit: Get off the pitch

Major's claim that the escalation in violence caused the Irish Government to take a more critical line towards Hume-Adams is only accurate in presentational terms. By October the Irish Government was frustrated by Hume's public pronouncements and was seeking to repackage the initiative in more intergovernmental terms. What the Shankill bombing secured was a willingness on the part of Reynolds to publicly distance himself from John Hume. At a meeting on the fringes of a European summit in Brussels, on the 29 October, the two leaders issued a strongly worded joint statement. The statement reiterated Spring's

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[121] *Ibid.*
[122] Bew & Gillespie *The Northern Ireland Peace Process* op. cit., p.23.
[123] For a discussion of the drafting of the principles and the significance of the mis-wording see Finlay op. cit. p.196 and Mallie& McKittrick op. cit., pp206-208.

principle that there could be no talks with those who threaten or support violence. The real purpose of the Brussels summit communiqué was an attempt to distance the two governments from the Hume-Adams dialogue. "The Prime Minister and Taoiseach agreed that any initiative can only be taken by the two Governments, and that there could be no question of their adopting or endorsing the report of the dialogue which was recently given to the Taoiseach (by John Hume) and which had not been passed on to the British Government. They agreed that the two Governments must continue to work together in their own terms on a framework for peace, stability and reconciliation".[124] Séan Duignan summed up the summit as "Hume and Adams told to get off the pitch!"[125] Reynolds continued this theme at his party's Ard Fheis, trying to walk the difficult line of distancing himself from the hugely popular figure of John Hume without damaging his standing with the party rank and file. Reynolds told the delegates "I want to acknowledge and pay tribute to John Hume (Applause) and the outstanding and courageous role he has played as a champion of constitutional politics and a genuine peace-seeker in the most appalling conditions. His contribution is essential to any wide-based overall framework for peace. (But) The creation of that peace must ultimately be the responsibility of the Irish and British governments".[126]

Although outwardly the Brussels statement seemed to mark a convergence of the two Government's attitudes towards the Hume-Adams dialogue, behind the scenes there was confusion as to what the Brussels summit actually meant. One of the main problems was that the term Hume-Adams had become synonymous with the idea of a joint declaration rather than simply meaning the talks John Hume and Gerry Adams were having separate from intergovernmental negotiations. From the Irish point of view Brussels was about

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[124] Reproduced in Mallie & McKittrick op. cit. p.209.
[125] Séan Duignan, *One Spin on the Merry-Go-Round* op. cit. p.106.

trying to separate the two strands, getting Hume's and (especially) Adams's fingerprints off the process. In so far as the concept of a joint declaration, which had unhelpfully gained the tag Hume-Adams, was concerned, the Irish felt that they had got agreement from Major to pursue this course. By this analysis the significance of Brussels was slightly different. After a discussion with Reynolds over the statement Séan Duignan recorded in his diary, "He tells me Hume-Adams was still alive and kicking after Brussels, that Major actually accepted this, insisting that he just couldn't publicly wear it. Albert says Major and he reasoned it out together: 'Hume-Adams was being declared dead, in order to keep it alive…' "[127]

Unfortunately Major and the British Government had a different evaluation of the Brussels position. After the summit Major informed the House of Commons:

> "The joint statement with the Irish Prime Minister provides a clear basis for progress. Both Governments are committed to the talks process. The principle of consent must be at the heart of any settlement -as the Irish Deputy Prime Minister made clear last week, when he acknowledged the rights of Unionists to give or to withhold that consent. That clearly points to constitutional reform in the Irish Republic at the right time and in the right circumstances.
> "The Government will now intensify their efforts to find a basis for the constitutional parties in Northern Ireland to carry on the talks progress."[128]

John Major therefore portrayed the Brussels statement as an acceptance by the Irish and the British that the joint initiative idea had been dropped and the two governments were seeking to restart the inter-party talks framework. When challenged by John Hume as to why he had rejected the Hume-Adams proposals without having spoken to him about them Major continued to portray the Brussels summit in the same light. Major whilst praising the efforts of Hume told the House:

> "…I had to make a judgement on whether I thought that the proposals reached by the hon. Gentleman, at this time, and in the fashion that he proposed them, would

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[126] *Irish Times* 8 November 1993.
[127] Séan Duignan, *One Spin on the Merry-Go-Round* op. cit., p.106.
[128] House of Commons, *Debates*, 1 November 1993, vol. 231 col.21.

> actually lead to progress and to a settlement. I reached the conclusion -after having been informed of them by the Taoiseach, as we said in our statement over the weekend -that that was not the right way to proceed, and for that reason I said earlier today that I believe the way forward is the way set out in the joint statement that the Taoiseach and I issued on Friday."[129]

This interpretation greatly annoyed Albert Reynolds who felt that Major was misrepresenting his position. (It is also worth noting that Major also seemed to seize on Spring's slip in the Dáil and suggested that the Irish had agreed that the Unionists rather than the majority in Northern Ireland had the right to prevent a change in the status of Northern Ireland.) Reynolds "resented the Prime Minister's repeated harping on the theme that he (Reynolds) was totally in support of his rejection of Hume-Adams".[130]

How then could the two sides place such a different interpretation on what was agreed at Brussels? According to Mallie and McKittrick, "The crucial point about the Brussels summit was that the two governments came away with completely different versions of what had been agreed". The reason for this could be because "one or both prime ministers misunderstood what was being conveyed".[131] An alternative and perhaps simpler explanation is that after the summit both Reynolds and Major had to represent their position in the best light possible to their domestic audience. The Irish, irked by Hume's 'upping the ante', understood the need to create distance between the joint declaration initiative and the Hume-Adams dialogue. This needed to be done in such a way as to create the impression that the reason this was being done was because the two governments were working on a bigger stage and a bigger project. For the British there was the need to distance themselves from anything with Adams' fingerprints on it and the need to reassure backbench Tories and the UUP that the Union was not being undermined. The problem was that it seemed that the two governments were claiming contradictory things: they had

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[129] *Ibid.*
[130] Séan Duignan, *One Spin on the Merry-Go-Round* op. cit. p.118.

agreed to discuss the joint declaration idea but only at an intergovernmental level; they had dropped the joint declaration idea and were re-launching the inter-party talks. Albert Reynolds was so annoyed by what he felt was the misrepresentation of his position by Major and with the apparent reluctance of the British to pursue the joint declaration idea that he considered making a unilateral declaration. Reynolds told Duignan after Brussels that, "I've done my bit. It's up to him now. It will have to be done within a month – certainly before the end of the year- and if he doesn't come with me by then, I'll walk away".[132] This growing frustration on the part of Reynolds spilled over into the public domain in the so-called 'Houston Declaration'. Speaking to two journalists outside a Whitney Houston concert on the 10 November Reynolds stated, "If it comes to it, I will walk away from John Major, and put forward a set of proposals myself…I am not prepared to let this opportunity pass".[133] Reynolds claims that he would have considered making a unilateral Irish declaration to try and entice the republicans away from violence.[134] The problem with a unilateral declaration is that it would have been too unbalanced. One of the potential advantages of intergovernmental co-operation is that each government has a stronger relationship with one community in the North, their 'client community', than with the other. Whilst this relationship is often characterised by mistrust, it at least provides some sort of balance. Reynolds noted that a unilateral declaration would have little hope of appealing to the Unionist community. "(It) wouldn't have had the same effect without bringing the British Government along. I mean as I often said to John (Major), 'you take responsibility for the Unionists and the loyalists and I'll take responsibility for the nationalists and the republicans'".[135] Dermot Nally noted that the idea of a unilateral declaration was not something that was seriously considered by the Irish. "It's silly to be

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[131] Mallie & McKittrick op. cit., p.211
[132] *Ibid.* p.118.
[133] *Ibid.* p.119.
[134] Albert Reynolds, interview with the author.

making unilateral declarations on a subject you can do little about".[136] The incident does, however, serve to highlight the growing frustration within the Irish government at the lack of development over the joint declaration idea.

By the end of November the British appeared to be coming back round to the joint declaration initiative. Dermot Nally recalls, "It looked as if the whole thing had gone through the floor, like the whole negotiation was being wound up. But Robin Butler phoned me later in the month and said, 'Look, despite appearances we're still interested. Can we go ahead with our meetings?'"[137] So the joint declarations talks were resumed.

Talking to Sinn Féin and telling lies to Paddies.

One suggested reason why the British returned to the joint declaration idea was in an attempt to limit the damage caused by the revelation of the existence of the line of communication with republicans.[138] On the 28 November Eamonn Mallie broke the story of the secret British communications with Sinn Féin and the IRA.[139] What is fascinating about these contacts in the Anglo-Irish context is the fact that the revelation came as a complete surprise to Albert Reynolds and the Irish Government.[140] John Major had famously told the House of Commons on the 1 November, in reply to a suggestion from Labour MP Dennis Skinner that the British government needed to talk to republicans, "If the implication of his remarks is that we should sit down and talk with Mr. Adams and the Provisional IRA, I can say only that that would turn my stomach and those of most hon. Members; we will not do it".[141] Strictly speaking John Major may have not been

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[135] *Ibid.*
[136] Dermot Nally, interview with the author.
[137] *Ibid.*
[138] Martin Dillon, *25 Years of Terror*, London, 1996, pp.33-334.
[139] *The Observer* 28 November 1993.
[140] Albert Reynolds, interview with the author.
[141] House of Commons, *Debates*, 1 November 1993, vol. 231, col.35.

misleading the House in so far as he had not met with republicans, but once the link was revealed this seemed to many a pedantic distinction. The effect of the revelation on the Irish government was explosive. In his memoirs Major portrays the Irish reaction as unwarranted, noting that they themselves had been in contact with republicans. "Sauce for the goose was evidently not supposed to be sauce for the gander".[142] This is somewhat disingenuous of Major. The problem lay not so much in the fact that the GB-Sinn Féin link existed but over the attitude that the British had taken on such contacts when dealing with Dublin. Although there were links between Dublin and republicans the Irish did not try and hide these links when dealing with the British. Reynolds notes whilst he never told Major the form of the Dublin-Sinn Féin link he told him that he had indirect contacts with republicans.[143] The anger at the British actions was summed up by the Irish Justice Minister, Marie Geoghan-Quinn, when she recalled how the British continually "initiated discussions about how much they hated the Provos and how they wouldn't be seen in the same place as them and all the rest of it…They would have been better off not saying anything at all".[144] This perceived duplicity on the part of the British rankled with Reynolds. Sean Duignan claims:

> "…we discovered that they were forbidding Albert to make contact with them, with the Provos, (yet) they were actually dealing with the Provos themselves, and the British way of operation saw nothing wrong with that. And if they were found out they would shrug. And they would shrug rather arrogantly and look at you and say 'move on, don't bother with that'. They are doing something in the national interest, and if that involves telling lies to Paddies or to anybody, so be it…Albert didn't like it."[145]

What Albert also didn't like was the attempt by the British to steer the joint declaration initiative in a different direction. A few days before the link between the British and Sinn Féin was exposed Sir Robin Butler flew to see Albert Reynolds and as well as telling him

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[142] John Major op. cit., p.452.
[143] Albert Reynolds, interview with the author.
[144] Mallie & McKittrick op. cit. p.260.

about the forthcoming *Observer* revelations gave him a new British draft of the proposed declaration.

The British draft: enshrining the essence/ treating the Republic like Tongo?

The revelation of the British-Sinn Féin link and the new British draft led to a marked short-term deterioration in Anglo-Irish relations. The new document was a completely new draft drawn up by John Major and the cabinet colleagues he had told of the process. Major suggests that the purpose of the new draft was to try to secure concessions from the Irish. According to Major the British realised the Irish "would not, indeed probably could not, accept an entirely new British draft; but it would demonstrate the width of the gap between us, and would help us to seek the middle ground between us".[146] Robin Butler questions this interpretation. The former Cabinet Secretary who was involved in framing the new document and who delivered it to Reynolds claims that the purpose of the new draft was not to highlight the differences between each government's position but was an attempt to remove the 'green' language from the process. Butler clams that by this stage in the negotiations the document the two governments had been working on, "was becoming quite turgid. I mean it finished quite turgid but it was becoming extremely turgid. It had all these phrases in it that had deep significance and were argued over. ...We then produced another document that was meant to enshrine the essence of it ...We genuinely thought that this put what the essence of the document was that we had before but in a more digestible form and without some of the (green language)".[147] The Irish reaction was one of unconcealed anger. Dermot Nally, who had been involved in the intergovernmental drafting with Robin Butler from the start, was particularly angered by the new British draft. Nally told Albert Reynolds, "It's unforgivable...Who do these people think you are – the

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[145] Séan Duignan, interview with the author.
[146] John Major op. cit. p.451

prime minister of Tongo? They can't be allowed to ignore months of detailed negotiation, and tell us we have to start all over again just because they click their fingers!"[148]

The incident highlights once again the different pressures the two governments faced and the restraint that the relationship with their client community placed upon them. The British thought it was reasonable to divest the declaration of some of the 'green language' and the deeply significant phrases. According to Robin Butler, "the Unionists were very good at identifying (phrases, which) might say something perfectly acceptable but said it in green language and that in itself was a red rag to a bull, or at least a green rag to a bull".[149] But the Irish Government had been working with Northern nationalists and republicans for two years and believed that a joint declaration containing certain key phrases could lead to an end to violence. To suddenly have a new draft introduced which expunged the significant phrases and attempted to boil the ideas down to their essence was completely unacceptable. For all their protestations that this was an intergovernmental exercise the initiative had grown out of a dialogue with republicans and was intended to be attractive in some form to them. Nally notes that all sides had been consulted on what was the draft version that the British decided to replace.

> "You see we had channels for communication with the Unionists and channels for consultation with Sinn Féin and channels of communications with, god knows, everyone in sight. Very secretive, very confidential, but still channels of communication and so these people knew what was in the declaration we had been working on. But they didn't know anything at all about what was in the new draft, which would not have gone down well at all with the people who were most closely involved in all this".[150]

Those most closely involved in this were the republicans. The British were consulting the Unionists and, as Butler acknowledges, the new draft was designed to make the declaration

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[147] Lord Butler, interview with the author.
[148] Fergus Finlay op. cit., p.201. In another account Nally says "They think they're dealing with the King of Lesotho", Duignan, *One Spin on the Merry-Go-Round* op. cit., p.124.
[149] Lord Butler, interview with the author.

more palatable to the Unionists. The purpose of the declaration was to create the situation where the IRA would conclude that there was no longer any need for violence and to do this Dublin felt some green language was necessary.

There is though another reason why the Irish were so angry at this late British intervention, which offered less than what Dublin felt the British were moving to agree to. The Irish felt that this was a tactic that they had seen before. As Marie Geoghan-Quinn explained, "What the Brits were trying to do was the same thing the Brits always do - they make an agreement with you and then on the twenty-third hour, they decide they are going to change it in some way".[151] This perception of British negotiating tactics seems to be widely held by those involved in negotiations over the years with the British. Michael Lillis makes a similar point noting,

> "I've done a lot of negotiations with the British over the years and they have a very good system of dealing with smaller countries… For a larger country that has more resources it is a classic system. In the negotiation themselves they offer something, then on the second day its not, as you would expect, that there would be a bit of to-and-fro and there'd be a compromise between their offer and your demand. Now what happens on day two is their offer is reduced and they do this in a way that makes you hungry to grab whatever the hell is available".[152]

Whatever the reason behind the late British draft it definitely rankled with the Irish side.

As a result of the draft Major and Reynolds had a bitter phone call on the 29 November.

After the call the Irish threatened to contradict the British if the Downing Street press spokesman, Gus O'Donnell, briefed that the call had been friendly and positive.[153] The anger over the new draft and the British-Sinn Féin links resulted in a particularly fraught Anglo-Irish meeting held at Dublin Castle on 3 December 1993.

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[150] Dermot Nally, interview with the author.
[151] Mallie & McKittrick op. cit., p.261.
[152] Michael Lillis, interview with the author. Lillis was talking specifically about the AIA but also linked it to more recent events such as the Patten report.

Getting back to the draft and back on track.

The dispute over the new draft and the contacts with Sinn Féin led the Irish side to downgrade the Anglo-Irish summit planned for 3 December to a 'working meeting'[154] which confirmed "the parlous state of Anglo-Irish relations…"[155] The Irish had contemplated cancelling the meeting altogether after the new draft was introduced, Duignan noted in his diary "Taoiseach rants that Mansergh must go back and tell them that it's all off – don't come!" The reason that the summit went ahead was because the British pressed hard for it. Duignan sees this as a reversal in roles noting, "We started all this by pushing for 3 December. And they're pleading for it!" [156] However, what the Irish were unable to secure from the British before the meeting was an agreement that the British document would not be pressed and discussion would revert to the original draft. The real battle fought at Dublin Castle on 3 December was over what document was on the table.

The meeting was very fraught. From the outset the Irish announced that they would not negotiate on the British document and Reynolds accused the British of bad-faith (at which point the pencil John Major was holding snapped in two). When the British insisted that they had the right to table a new draft Reynolds told Major if that was the case he should leave and, "We'll go out and tell the journalists that there's no point in talking any more because the British won't do business". John Major then suggested that he and Reynolds meet in private, to which Reynolds agreed.[157] During this meeting the two had a very frank exchange of views with Reynolds castigating Major over the new draft and the secret contacts with republicans. Major complained to Reynolds about "the Irish government's deliberate foot-dragging over the three-stranded talks progress" and the number of leaks

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[153] Séan Duignan, *One Spin on the Merry-Go-Round* op. cit. p.123.
[154] *Newsletter* 22 November 1993, *Financial Times* 3 December 1993.
[155] Séan Duignan, *One Spin on the Merry-Go-Round* op. cit., p.124.
[156] *Ibid.* p.123.

that were emanating from the Irish side.[158] Major recalls that he "had the frankest and fiercest exchanges that I had with any fellow leader in my six and a half years as prime minister". Reynolds makes a similar point if a little more colourfully when he summed up the meeting. "He chewed the bollix off me, but I took a few lumps out of him!"[159] One of the 'lumps' was the tacit agreement that the British draft would be withdrawn. Robin Butler explained, "(we) allowed ourselves to be drawn into discussing the joint declaration again and our document was tacitly dropped".[160]

After the Dublin meeting the two leaders met again at the fringes of an EU meeting in Brussels and officials continued to meet over the next two weeks to remove the last existing areas of dispute. The DSD (officially the Joint Declaration on Northern Ireland) was signed on 15 December 1993.

Evaluating the Downing Street Declaration[161]

The DSD is a somewhat tortuously worded 12-paragraph document. At one level it includes little that had not been said before and was indeed "a document intended to reassure everybody".[162] It was certainly well received by the British and Irish press and parliaments. Even *The Daily Telegraph* argued it was, "a considerable achievement for the

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[157] Fergus Finlay, op. cit., p.202

[158] John Major op. cit. p.452, Seldon op. cit., p.425. (The process had been particularly damaged by a leak of 19 November to a journalist, Emily O'Reilly, at the *Irish Press*. The leak was an Irish document designed to "be used in fleshing out the language of the Joint Declaration at some stage in the future". (Finlay op. cit. p.197) The document proposed the Irish would drop articles 2&3 in return for the British becoming persuaders for unity. The document increased Unionist fears about the process given its particularly green language. -See *The Irish Press* 19 November 1993 and widespread coverage in most papers over the following days. Elements of the British press were very critical of the leaked document. On the 21 November *The Sunday Telegraph* called on Major to withdraw from the talks with the Irish government arguing, "Peace will not come out of intergovernmental talks".)

[159] Fergus Finlay op. cit., p.203.

[160] Lord Butler, interview with the author.

[161] For an in-depth paragraph by paragraph examination of the DSD see O'Leary and McGarry, *Explaining Northern Ireland*, Oxford, 1995, Appendix B. See also Bew and Gillespie, *Northern Ireland Peace Process* op. cit. pp.36-38.

[162] O'Leary and McGarry, *Explaining Northern Ireland* op. cit. p.414.

British and Irish governments to have moved so far together."[163] Comments such as "a well judged declaration",[164] a "historic document",[165] "good news from Downing Street", "reasonable and fair",[166] and "the best ever chance for peace"[167] abounded, as did flattering profiles of the two prime ministers.

The striking thing about the DSD, and where it differs markedly from the original drafts that the Irish Government had drawn up in consultation with Hume and Sinn Féin, is its balance. It is possible to identify sections aimed at enticing republicans away from violence and reassuring nationalists and those designed to reassure Unionists.

Enticing the republicans.

From the start of the joint declaration idea the Irish believed that the key to persuading republicans to abandon violence was for the British to acknowledge the right of the people of Ireland to self-determination. This is included in paragraph 4 of the DSD (the most important paragraph). "The British Government agree that it is for the people of the island of Ireland alone, by agreement between the two parts respectively, to exercise their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland, if that is their wish". The wording here is very important as it serves two purposes. Firstly it appears to meet the demand of Sinn Féin that it is for the Irish alone to decide whether to be a united nation. The phrase also though dictates the unit of that decision-making. Unlike in earlier drafts of the declaration the unit of decision-making is not the whole island of Ireland but two units, Northern Ireland and the Republic, must make the decision concurrently. This was a stumbling block during the

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[163] *Daily Telegraph*, 16 December 1993.
[164] *Financial Times,* 16 December 1993.
[165] *The Independent,* 16 December 1993 and *The Irish Press*, 18 December 1993.
[166] *The Irish Times,* 16 December 1993.

negotiations with the Irish side pressing for the island to be treated as one unit, removing the 'Unionist veto'.[168] The final phrasing attempts to reassure both sides, the underlying theme of the DSD. (It has been suggested that although James Molyneaux had been shown drafts of the Declaration he was not shown this phrasing until the day before the signing of the draft and he may have been unhappy with the wording.[169] Robin Butler refutes this. According to Butler the right of the people of Ireland to self- determination had been in all the drafts.[170])

The declaration also contains a repetition of British acknowledgement that they have "no selfish strategic or economic interest in Northern Ireland". Again addressing the imperialist analysis that had underpinned the IRA's traditional justification for violence.

The other key demand of Sinn Féin in the early days of the joint declaration idea was that the British become persuaders for unity. The wording of the DSD again is constructed to suggest a role for the British as facilitators, not for unity –a role the British would not contemplate - but for agreement in Ireland.

> "(The British Government's) primary interest is to see peace, stability and reconciliation established by agreement among all the people who inhabit the island, and they will work together with the Irish Government to achieve such agreement, which will embrace the totality of relationships. The role of the British will be to encourage, facilitate and enable the achievement of such an agreement…"

This is very different from meeting the demand to be persuaders for unity. Paragraph 4 also has echoes of the original Irish draft in this regard. In the June 1993 draft the British were to declare "it is the wish of the people in Britain to see the people of Ireland live

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[167] *The Irish Press*, 18 December 1993.
[168] Lord Butler, interview with the author. It seems unlikely that Dublin ever really expected that the British would accept this and Reynolds told the Dáil after the DSD was signed that the first draft "represented the outer limit of what the Irish Government could agree..." Quoted in *The Irish Press* 18 December 1993.
[169] O'Leary & McGarry, *Explaining Northern Ireland* op. cit., p.419.

together in unity and harmony…" By the end of the negotiating process though this had become a wish by the people of Britain "to enable the people of Ireland to reach agreement on how they may live together in harmony and in partnership…" The offending word of 'unity' had been removed. The British were willing to play the role of facilitators for peace and agreement in Ireland but it was up to the people of Ireland to decide what form this agreement would take. If it was to be a united Ireland the British pledged to legislate to this end, but only if it was the wish of "the people living in Ireland". The negotiations had kept some of the terminology from the original draft in an attempt to appeal to republicans but had inserted important caveats and changed the meaning of phrases in an attempt to avoid alienating Unionists.

The document also repeats the earlier invitations to Sinn Féin (though not specifically named) to enter the political process if violence is ended. The two governments confirm that, in the event of "a permanent end to the use of, or support for, paramilitary violence" all "democratically mandated parties" which have established "a commitment to exclusively peaceful methods" are "free to participate fully in democratic politics and join in dialogue..."[171] This was a repetition of the position the two governments had taken when they began to move towards inclusion in the early 1990s.

Reassuring the Unionists

As paragraph 4 spells out the views, obligations and aspirations of Britain towards Northern Ireland, paragraphs 5 and 6 do the same for the Irish government. In paragraph 5 the Irish government acknowledge "it would be wrong to attempt to impose a united

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[170] Lord Butler, interview with the author.
[171] John Major specifically applied this criteria when introducing the DSD to the House of Commons saying the British Government would enter into dialogue with Sinn Féin "within three months" if these conditions were fulfilled. House of Commons *Debates*, 15 December 1993, vol.234, col. 1072

Ireland, in the absence of the freely given consent of a majority of the people of Northern Ireland". The paragraph also repeats the idea that "the self-determination by the people of Ireland as a whole must be achieved and exercised within and subject to the agreement and consent of the majority of the people of Northern Ireland…" In paragraph 6 the Taoiseach pledges to examine "any elements in the democratic life and organisation of the Irish State" which can be seen "as a real and substantial threat" to the Unionist "way of life and ethos" or which can be "represented as not being fully consistent with a modern democratic and pluralist society." The Irish went even further in addressing the most deep-rooted Unionist suspicion of Dublin when it pledged to support changes to articles 2 & 3 of the Irish constitution "in the event of an overall settlement". (Which was carried out after the Good Friday Agreement.)

The DSD therefore stresses the entrenchment of the need for consent of the majority in Northern Ireland for any change in its status; indeed the fact that nothing would be done without the consent of the majority is repeated five times in the document.[172]

And the winner is?

The DSD is an intricately balanced document that attempted to reassure both communities in Northern Ireland. The DSD sought to persuade the Unionists that Northern Ireland's position within the United Kingdom was not under threat whilst it remained the favoured option of a majority within the North. At the same time the document sought to persuade the IRA that there was no need to use violence in their pursuit of a united Ireland and such an outcome was more likely to be achieved by political methods. At the end of any such period of negotiations it is tempting to try and identify the winners and losers in the negotiating process. Unsurprisingly each government claims to have secured its objectives

as a result of the DSD. The Irish Government's Press Secretary noted in his diary, "I have a distinct feeling that Albert has got his way on practically everything, expect, perhaps, the British agreeing to be persuaders for Irish unity…" Whilst according to John Major's biographer, "Nearly all the points insisted upon by Major at Dublin were indeed present in the final document".[173] Could both sides have got almost everything they wanted?

Comparing the DSD with the earlier Irish/Hume/Sinn Fein drafts it is clear that the Irish Government moved a long way during the negotiations. This movement was not so much in what was changed in the document (though as noted above many fundamental points were changed) but in what was added. The original drafts had dealt extensively with what the British would pledge themselves to do but had little to say in terms of the Republic's obligations and concessions. The changes from June-December 1993 created a far more balanced document. The Irish agreed to the need for the consent of the majority in Northern Ireland to change; pledged to re-examine the nature of their institutions and society in light of Unionist fears; and to change articles 2 and 3 in the event of an overall settlement. The negotiations from the British (and Unionist points of view) had resulted in a far more acceptable declaration.

The DSD also represented a victory for Irish diplomats. They had during a long period of negotiation persuaded the British to recognise the right of Irish self determination, pledge to legislate for a united Ireland in the future if that was the wish of the majority in the North and effectively proclaim their neutrality on Northern Ireland's status. Indeed much of the early comment on the DSD seemed to subscribe to the view that the Irish had gained

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[172] Peter Taylor op. cit., p.342,
[173] Anthony Seldon op. cit., p.429

most from the Declaration. The *Daily Telegraph* argued, "it is the British who have moved further to create the Declaration".[174]

The whole search for winners obviously rests on the presumption that there must be losers. The purpose of the declaration was to construct a set of joint principles to which both governments could sign up. Principles that would hopefully persuade the IRA that it could best pursue its objectives by renouncing violence and reassure Unionists that there was no question that their position was being undermined. Or, as Albert Reynolds told the Dáil, "It makes it clear that the British Government are in no sense an enemy to the rights of the nationalist tradition, and the Irish Government are in no sense an enemy to the rights of the Unionist tradition".[175] The Declaration demonstrated that by 1993 it was possible for the two governments to lay out, in a single document, an agreed position regarding Northern Ireland. The language was indeed somewhat tortuous and the meaning at times opaque. But it demonstrated that the objective of securing a peaceful situation in Northern Ireland was pressing enough to unite the two states and more important for each government than any long-term commitment to unity or union. Both sides could indeed claim to have advanced their position and furthered their aims, as the objectives of the two governments in the DSD were not incompatible. Robin Butler concluded, "We were happy with it. It didn't betray any of our principles and we were reassured by the fact that the Unionists could live with it".[176] Similarly the Irish side may not have got everything they sought but neither did they betray any of their principles. The DSD was not a blueprint for Northern Ireland but was, as Major told the House of Commons, "a framework for peace, a framework that reflects our responsibilities to both communities in a way that is fully compatible with the undertakings that we have both given and with the objectives of the

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[174] *Daily Telegraph,* 16 December 1993.
[175] *Parliamentary Debates, Dáil Éireann* 17 December 1993, vol.437, col.1229.

talks process."[177] Ultimately it succeeded in achieving its main aim, persuading the IRA and Loyalists to abandon violence; "it did turn out to be a catalyst for peace".[178]

Conclusion

The 1990-1993 period is one of the most productive and most fraught periods of intergovernmental co-operation on Northern Ireland in modern times. The various strands and initiatives that were being pursued concurrently make it hard to decide whether the two governments orchestrated an elaborate, and highly speculative, high-wire act that ultimately led to peace in Northern Ireland, or lurched from crisis to crisis, and ended up with peace despite themselves. The truth is probably somewhere between the extremes. The Irish, especially Albert Reynolds, became convinced that a policy of inclusiveness could end the violence in Northern Ireland and spent much of the 1992-1993 period trying to convince the British of their analysis. Yet the British are too often portrayed as reluctant participants in this exercise. As Séan Duignan seems to have come to appreciate at the end of the negotiating period the pressures on John Major not to go down the inclusive road were immense. Duignan records, "as I shook his hand, the thought struck me that he had taken as many risks as Reynolds, Hume and Adams on the way to the accord. It was not that long since IRA mortars exploded in the garden we could see from inside No. 10. As Tory leader he was also taking a considerable risk, not just in terms of his reliance on the Unionists in the Commons, but also in terms of the large pro-Unionist element on the Conservative backbenches".[179]

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[176] Lord Butler, interview with the author.
[177] House of Commons, *Debates*, 15 December 1993, vol.234. col. 1071
[178] Martin Mansergh op. cit. p.155.
[179] Sean Duignan, *One Spin on the Merry-Go-Round* op. cit. p.127.

The friendship and determination of the two leaders, as well as the close relationship which had built up between British and Irish civil servants over the years, were undoubtedly vital in keeping the negotiations on track. The improved relations between the Irish and British officials are seen as important by both sides. Both Dermot Nally and Robin Butler cite the good inter-civil service relations as a key component in the process.[180] These good relations were not able to prevent periodic crises emerging in the negotiations and suspicion remained on each side as to the tactics and bona fides of the other. It is doubtful though that the process would have survived these crises without the element of trust and friendship that many of the key players had for their opposite numbers.

The role of the Hume-Adams dialogue must also be acknowledged. Although this dialogue and the pronouncements of its participants had become an obstacle to agreement by the end of 1993, it is unlikely that the DSD would ever have happened had the dialogue not occurred. Hume's engagement with the leader of Sinn Féin and his subsequent dialogue with Dublin convinced many in Dublin that the Provisionals were at least contemplating a re-evaluation of their traditional ideology and tactics. Despite the pronouncements of the two governments that the DSD had no connection to the Hume-Adams dialogue, the fact that so much of its language seeks to address the issues and terminology of the June 1993 draft belies this. The DSD is certainly not the direct descendant of the earlier intra-Irish drafts; there is a balance in the DSD that is clearly absent from the earlier documents. Yet it is possible to trace part of the DSD to Hume-Adams dialogue, just as it is possible to identify the input of the loyalists, James Molyneaux, and British and Irish officials.

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[180] Dermot Nally and Lord Butler, interviews with the author.

The DSD is the culmination of numerous inter-related dialogues, re-evaluations, concessions and postponements. It changed the parameters of debate on and in Northern Ireland from exclusion to inclusion. But it was not, by any means a panacea. The Northern Ireland question was not resolved on 15 December 1993; it was simply another stage in the long process of seeking a resolution. Nor did the joint declaration by the two governments mark the coinciding of British and Irish policy on Northern Ireland. Intergovernmental disputes were still commonplace, mistrust still evident and acrimony never far from the surface. As the former British official, Sir David Goodall, noted the DSD was "a tribute to (the British and Irish) officials who, by skilful drafting and an abundant use of coded language, have laid a veneer of unanimity over what are still divergent and in some respects directly conflicting interests. The result is a minor diplomatic masterpiece."[181] That said the DSD was an impressive intergovernmental achievement. It highlighted the values and objectives that united the two governments in relation to Northern Ireland and, as all good Anglo-Irish documents have done, glossed over those that divide them. Both governments deserve credit for the decision to abandon exclusiveness in favour of inclusiveness and the fact that it was done in such a way as to keep most of the main players in Northern Ireland on board is no mean achievement. Yet like all intergovernmental initiatives during the period, the DSD was the result of London and Dublin reacting to the various and often-conflicting pressures that bore down upon them. The desire to create a peaceful situation in Northern Ireland continued to unite them. Their analysis of how to do this along with the differing relationship they had with the two communities in Northern Ireland would continue periodically to divide them. Although the DSD can be seen as another step towards a convergence of British and Irish policies on Northern Ireland such a conclusion should be viewed sceptically. As has been shown the two states signed the DSD for a variety of reasons. Both governments reached the

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[181] David Goodall "Terrorists on the spot" *The Tablet*, 25 December 1993/1 January 1994

conclusion that co-operating intergovernmentally could advance the situation in Northern Ireland. But the strains and fault lines so often apparent in Anglo-Irish relations remained in place and would retain their capacity to disrupt intergovernmental co-operation in the coming years.

Chapter 8. Conclusion

Anglo-Irish relations undoubtedly improved in the period between the 1980 Dublin summit and the 1993 Downing Street Declaration. Yet as has been argued this improvement was not a steady linear one, it was far more cyclical. Keatinge's warning against the fever chart interpretation is an important point, but fever charts are difficult to ignore. This work has largely followed a chronological approach rather than a thematic one. In adopting such an approach there is a danger that the fevers may distract from the themes. The second danger with the chronological approach is that it is tempting to plot a median line between the high and low points of the relationship and conclude that progress has been steady and what has happened over the period was inevitable. As each achievement of the intergovernmental progress appears to be built on the one before it is tempting to underplay the constraints on intergovernmental co-operation. As the chronological development of intergovernmentalism is examined it becomes evident that co-operation was better in 1993 than it was in the early 1980s. A corollary of this assessment can be the assumption that the relationship was bound to improve and the two governments were, of course, going to negotiate a DSD type agreement eventually. Yet this is far from the case. The purpose of this chapter is to briefly examine the structural constraints and pressures which the two governments faced in seeking to increase co-operation. It will be argued that although the fevers changed over the period they were shaped, caused and over-come, if not cured, in the short term by constraints and pressures that were largely permanent features. It will then be argued that although the path that the intergovernmental relationship followed over the period was not inevitable these constraints and pressures fixed the parameters of the debate. These parameters therefore narrowed the options for both the British and the Irish governments when dealing with Northern Ireland. Yet this does not mean that once you set out on the path of intergovernmental co-operation you were destined to arrive in Downing Street for the Declaration in 1993, nor indeed in Belfast for Agreement in 1998.

Constraints and pressures

Numerous constraints and pressures shaped the intergovernmental relationship between 1980 and 1993. These constraints and pressures were remarkably durable, if not consistent in their influence. Some primarily impacted on one government more than the other and some were more influential than others but all impacted to some degree on the intergovernmental approach. The main ones were the demands of client communities within Northern Ireland; international opinion; domestic public opinion; and the ideological slant of each government. Although many of these categories overlap it is possible to draw distinctions between them and assess the impact they have had on the shape and outcome of intergovernmental co-operation.

Client communities

An important and often determining factor in the intergovernmental relationship has been the demands that each government's client community have made upon them. Each government had for historical, cultural and ideological reasons a closer relationship with one community within Northern Ireland than the other.[1] These relationships need to be kept in perspective. Neither community were clients of London or Dublin to the extent that they would unquestioningly follow the instructions of 'their' government. However, each community looked to 'their' government as sponsors, to protect and advance their interests. Their sponsors were called on to aid the client *vis-à-vis* the competing community within Northern Ireland and to help them further their wider aims. The governments themselves may not have accepted the client-sponsor analysis but their actions fitted this framework. The Irish government was perhaps more willing to embrace

the role of sponsorship than the British government. Dublin saw the institutionalisation of this role in the 1985 AIA as a major achievement. But Britain did act as the sponsor of Unionism, whether it was keen to acknowledge this role or not. The assertion by both Margaret Thatcher and John Major during various negotiations that they had to take on board what the Unionists would accept meant they fulfilled the role of sponsorship. The fact that they may have 'misread' or disregarded the views of their clients at various times does not invalidate the relationship. The fact that Unionists turned to London to protect their interests and directed their fury at London when they felt they had been betrayed underlines their view of the British government as their (often perfidious) sponsor.

The client-sponsor relationship has been both an asset and a hindrance to intergovernmental co-operation. The closer relationship that each government had with their clients allowed an element of 'you bring the nationalists, we'll bring the Unionists' to underpin intergovernmental negotiations. This was particularly clear during the negotiating of the DSD and especially seems to have shaped Albert Reynolds's view of the process. Yet the clients did not slavishly follow the commands of their sponsor. So whilst Reynolds was right that there has been an element of each side seeking to 'push' the clients where the sponsor wished to go, it has also been the case that the clients have attempted to 'pull' the sponsor where they wish to go. To this end the nationalists, and particularly the SDLP, sought to drag the Republic's government further into the dispute. Elements of the Irish government, particularly within Garret FitzGerald's administration in the early 1980s, were reluctant to seek a greater involvement in Northern Ireland. The Unionists have more often sought to prevent their sponsor from going in the direction they appeared to be set on. Primarily it has been in the direction of intergovernmental co-operation and the ceding

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[1] For a discussion of the problematic sponsor-client relationship in Northern Ireland see F. Cochrane, "Any Takers? The Isolation of Northern Ireland", in *Political Studies,* XLII (1994) and the exchange between

of a greater role to the Republic that the Unionists attempted to prevent the British government moving. It was this struggle between clients and sponsors that largely determined the shape of every intergovernmental initiative in the period. The relationship between client and sponsor was interdependent. The sponsors could not entirely ignore the wishes of their clients, as they could not dictate what the communities within Northern Ireland would accept. The clients could not ignore the desires of the sponsors, as the clients themselves were relatively powerless. It was the sovereign governments who had the ability to legislate and create the frameworks within which (it was hoped) the clients functioned. - Even what appeared to be the clearest example of a sponsor ignoring a client, the AIA, is deceptive. Although the Unionists were excluded from the negotiations the British government attempted to act as the sponsor and scaled back from the original maximalist position on the grounds that Unionism would not accept it. - So of all the factors that have shaped the intergovernmental approach over the period the sponsor-client relationship is of primary importance.

International opinion

In recent times there has been an increased interest in the role that international opinion has played in influencing events in Northern Ireland. Much of this has centred on the issues of the end of the Cold War and its impact on Northern Ireland, comparisons with peace processes in the Middle East and South Africa and an apparent increased influence and interest by the America under Bill Clinton's leadership.[2] Many authors now stress the importance of external (or exogenous in political science terminology) factors in influencing the participants to the conflict. Yet the evidence is comparatively scant to

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Cohrane and Paul Dixon in *Political Studies* XLIII (1995).

[2] Many of these themes are explored in an edited collection of articles on the Northern Ireland Peace Process. Michael Cox, Adrian Guelke and Fiona Stephen (eds.) *A Farewell to Arms?* MUP. 2000. This collection

suggest that international opinion and pressure was instrumental in determining how the British and Irish governments conducted their policy and pursued co-operation on Northern Ireland between 1980 and 1993 (and indeed in the later period). It is true that the British government throughout the period were concerned to preserve the special relationship with the United States and that at times events in Northern Ireland were internationally embarrassing to Britain. It is also true that the Irish-American lobby were influential in the US and that senior Irish-American politicians had both a keen interest in the Northern Ireland question and excellent relations with the Irish government. However, the result of this does not appear to have been an ability by Dublin to use the Washington route (or what one Irish official called 'the Tip O'Neill channel'[3]) to force the British government to adopt a stance more to its liking. Examples have been cited throughout the study of Irish attempts to engage America and particularly the White House to advance their cause with mixed results. The main reason for this appears to have been that not only did the 'special relationship' matter to Britain but it also mattered to Washington, at least to a greater extent than Washington's affection for Dublin did. Once again there is an element of Anglo-Irish relations and the Northern Ireland issue looming larger in Irish minds than it did in others. A former Irish Foreign Minister acknowledged "American official policy would rarely if ever do anything that would not be acceptable to the British government…(Ronald Reagan) genuinely wanted to help provided it wouldn't damage his relationship with Britain and I think that applies to all American presidents".[4] This is not to say that US influence had no bearing on intergovernmental co-operation during the period. Where the US was important was in encouraging the two states to co-operate and

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devotes a third of its space to the international dimension. For an interesting and in-depth analysis of Clinton's input into the issue see Conor O'Clery *The Greening of the White House* op.cit.

[3]Séan Donlon notes that if the Irish wanted to bring something to Ronald Reagan's attention they would approach Tip O'Neill, Speaker of the House of Representatives, who would then raise the issue of concern with Reagan. Interview with the author.

[4] Peter Barry, interview with the author.

supporting them on the direction they had embarked upon. The desire by the British and especially Mrs Thatcher to keep America 'on-side' was apparent and it was a consideration in Britain's stance towards co-operation with Dublin. The British desire to keep America happy was not, though, the factor which led them to co-operate with Dublin. The importance of US influence can be overstated and all manner of initiatives and policies attributed to it.[5] David Goodall's observation regarding the AIA negotiations that the desire to keep the Americans onboard was a factor but not a determining one appears to sum up the British attitude to US influence throughout the period. Similarly for the Irish the Tip O'Neill channel and Irish-American lobby represented a potentially useful tool for trying to advance their position and persuade the British to re-evaluate policy. It could not, however, be used to force the British to alter policy to any notable extent.

The other area of increased attention has been the impact of Europe on Anglo-Irish relations and the Northern Ireland issue. It has been argued that the joint membership of the European Union has altered the relationship between the two states. What is undoubtedly true is that European membership has reduced Ireland's dependency upon Britain economically and increased the Republic's profile internationally. The advent of the 'celtic tiger' economy, which has at least in part been due to European Union membership, has boosted Ireland's self confidence and perhaps enabled the South to be less preoccupied with her larger neighbouring state.[6] But again the impact of joint European membership can be overstated. As the former British Northern Ireland and Foreign Secretary, Douglas Hurs, has observed "some of the Europhiles exaggerate the impact of the joint membership of Europe on Anglo-Irish relations. Of course there's the

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5 Paul Arthur, for example, goes as far as to claim that a statement on Northern Ireland by President Carter in 1977 "was a potent landmark on the road to Good Friday 1998." *Special relationships* op. cit. p.141.

6 For a discussion of these issues see Paul Gillespie (ed.) *Britain's European Question. The issues for Ireland*, op. cit.

economic side and that has been helpful, particularly to the Republic, but I've never thought that the fact that we're now both members of the EU…was a crucial factor and I don't think that it is now. I think the two governments have come together through quite a different process."[7] The influence of Europe has if anything been less important in terms of persuading one or other government to change policies or compelling the two to co-operate than the US influence. Where common membership of the EU has been extremely beneficial to the intergovernmental process has been in facilitating closer working contacts between British and Irish officials and politicians. The increased opportunity that EU summits offered during the period for the two sides to get to know each other proved important during later negotiations. Similarly much of the major negotiations between officials and politicians on intergovernmental initiatives towards Northern Ireland, especially during difficult periods, were conducted on the fringes of EU summits. The EU summits enabled the leaders and officials to meet in private in an atmosphere far less frenzied and charged with expectation than that which always surrounded Anglo-Irish summits. This EU shield was important in negotiating breakthroughs in the logjams during both the AIA and DSD negotiations.

So the impact of international opinion is at best mixed. Although the Northern Ireland question is important to both Britain and Ireland, in geo-strategic terms it is of marginal significance. As a result the major international players and forums have been reluctant to become too embroiled in the issue. The US in particular has attempted to play the role of supportive friend to both states rather than side with one side over the other. Whilst international opinion and support has been helpful in shoring up Anglo-Irish intergovernmental co-operation it has not to any great extent dictated or shaped it.

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[7] Lord Hurd, interview with the author.

Domestic public opinion in Britain and Ireland

As both the British and Irish governments are democratically elected it is obviously the case that they are potentially swayed by public opinion within their own jurisdiction.[8] What is surprising in both states is how little importance domestic public opinion placed on the Northern Ireland issue. Polls continually showed that in both British and Irish elections voters placed very little emphasis on the Northern Ireland question. It might have been expected that the Republic, given its constitutional claim to Northern Ireland and the rhetoric of 'unfinished business' would have given a high priority to the constitutional imperative of reclaiming the 'fourth green field'. Yet as Haughey found in the early 1980s attempts to make Northern Ireland an electoral issue struck little chord with the wider public. Although rhetorical republicanism played well with certain sectors of the electorate, and appeared not to harm election prospects, a far greater emphasis was placed on the issues that impinged upon the daily life of Irish voters. Garret FitzGerald found opposition on the doorstep and within his cabinet to attempts to be pro-active on the issue. Although polls continually suggested that a majority of Irish voters would like to see a united Ireland, levels of support fell off when voters were asked to pay increased taxes for this unity or risk a spread of violence into the Southern state[9]. At times of exceptional tension within the North, such as the 1981 hunger strike, the North briefly raised its head as an issue. But whilst the low-level intensity conflict continued through most of the period the Irish electorate appeared bored and detached from the issue.[10] The old

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[8] Northern Ireland is of course under the jurisdiction of the British parliament. However this section only focuses on non-Northern Ireland British public opinion. This is both to make the discussion simpler and due to the fact that, in general, British parties did not organise in Northern Ireland -reluctant forays by the Conservative Party excepted- and British politicians have generally accepted Northern Ireland as 'different'.

[9] McGarry and O'Leary *Explaining Northern Ireland* op. cit. p.278.

[10] Politicians in the Republic were not averse to seeking progress on the North in an attempt to compensate for/distract from other domestic and economic problems. Ellen Hazelkorn and Henry Patterson argue this was one reason both Spring and Reynolds chose to "become so deeply immersed and identified with the 'peace process'. 'The New Politics of the Irish Republic', *New Left Review*, September/October 1994, no. 207 p.60.

antagonisms in the North seemed out of step with the Republic's increasing view of itself as a pluralist forward looking European state.[11]

Similarly it may have been expected that the British public would look unfavourably on a conflict that was costing a great deal of money, the lives of their soldiers and embarrassment internationally. Yet again throughout the period it barely registered on the electoral or parliamentary agendas in Britain. The lack of impact is summed up perfectly by the Labour leader John Smith's insouciance over John Major's contacts with the IRA on the grounds that there were no votes on the issue in Britain.[12] Another similarity between the two states in terms of public opinion is that when specifically asked by pollsters the public appeared to call for action that governments are either unable or unwilling to deliver. Whilst in Ireland the public still favoured the traditional ideal of republicanism: a united Ireland, in Britain there was little support for the traditional ideal of Unionism. A majority of people in Britain appeared to favour options that would see Northern Ireland leave the UK (whether to become independent or join a united Ireland).[13] Yet no major party has ever advocated the movement away from the principle of consent. Even the Labour Party, which for much of the 1980s had a policy of favouring a united Ireland, had the caveat that this must be achieved with the consent of a majority within Northern Ireland. The durability of bipartisanship on this point has surprised even some high-ranking British politicians. Douglas Hurd notes, "since 1969 we've mounted a substantial

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[11] It is interesting to note that one by-product of the ceasefire appears to be an increasing acceptability of Sinn Féin to the Southern electorate. The party had one TD elected in 1997 and may well increase their representation in forthcoming elections, which could lead to them holding the balance of power in the South. The increased interest of the Southern government in the early 1980s was at least in part the result of their desire curb the advance of militant republicanism in the North and to insulate the South from the Northern conflict. Twenty-odd years later the party of militant republicanism is on the ascent in both jurisdictions (though whether it still represents militant republicanism is another question).

[12] John Major op. cit. p.432.

[13] See B Hayes and I McAllister, 'British and Irish Public Opinion Towards the Northern Ireland Problem', *Irish Political Studies*, 1996, vol.11 pp.61-82.

effort in Northern Ireland, military and financial and this has never been a main cause of dissent or dispute inside governments or between parties and it's really extraordinary".[14]

In both states therefore the impact of public opinion was relatively muted. When the Troubles broke out in Northern Ireland in the late 1960s and early 1970s Northern Ireland was a far more salient issue in both jurisdictions. However, its impact as an issue capable of rousing public opinion and as such greatly influencing government action has declined over the years. This may largely be explained in terms of boredom and a feeling that the conflict and its proponents were an anachronism with little appeal or relevance to the wider Irish and British publics. It could also, of course, be an indication that the wider publics were generally in agreement with the policies that have been pursued by the two states over the period. It may be that what would have been needed to raise public interest in the issue would have been for one government to depart radically from the policies that have been the basis of bipartisanship in both Westminster and the Dáil. In this respect a lack of public pressure may be a reflection of quiet approval rather than apathetic disdain. Whatever the cause of the attitude the result has been that neither the Irish nor British government have, with very limited exceptions, been under great domestic pressure to radically alter their approach to the Northern Ireland issue. Issues other than public opinion must therefore be found to explain intergovernmental co-operation.

Ideological considerations

It is possible to identify an ideological creed that has, at least nominally underpinned British, and Irish policymaking with regard to the Irish question. For the entire period under consideration and indeed from 1937 to 1998 the Irish commitment to a united

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[14] Lord Hurd, interview with the author. (Douglas Hurd wrote a novel, *A Vote to Kill* based on the premise of a populist politician who campaigns on a 'troops out' basis and manages to stir up opposition in the country.)

Ireland was enshrined in the Irish constitution. As a result, and given the finding of opinion polls throughout the period that a united Ireland was the favoured option of most people in the South, all Irish governments paid lip-service to this ideal. This lip service tended to be more vociferously expressed when Fianna Fáil was in government (especially under Charles Haughey). Fine Gael were also careful to record their desire for unity at important times and no high profile joint communiqué from the two governments was complete without an acknowledgement that the Irish government favoured a united Ireland. Similarly the underpinning tenet of British policy was taken to be Unionism and a commitment to uphold the Union. This commitment tended to be less vociferously expounded by British ministers during the period than the Irish commitment to unity was by Irish ministers. British support for the Union was usually expressed in an undertaking to uphold the Union whilst it was the wish of the majority of people in Northern Ireland (the official British policy since the Sunningdale agreement of 1973). When pushed, though, Conservative ministers were willing to make public statements of their personal desire to see Northern Ireland remain part of the United Kingdom. But how important were these ideological considerations in shaping intergovernmental co-operation on Northern Ireland?

Throughout the period under consideration, and arguably for most of the period since partition, the Irish ideological commitment to nationalism and the British attachment to Unionism have been in decline. This is not to say that the Irish government has given up any desire for Irish unity or that the British government wishes to see the Union with Northern Ireland ended. It is just that the traditional ideological viewpoints of the two states became more qualified. Increasingly the Irish would like unity but on terms so favourable that it is highly unlikely to come about unless in the very long term. This is of course closely linked to the observations regarding public opinion made above. The South

of Ireland increasingly saw Northern Ireland as a place apart and while some view of the North as part of the Irish nation remained, the South was unwilling to re-embrace the North on any terms that could possibly be destabilising to the newly prosperous Republic. Similarly British opinion has long been at best ambivalent towards Northern Ireland. Even amongst the higher echelons of the most Unionist of British parties, the Conservatives, Unionism as an underlying ideological creed which saw the United Kingdom as part of an indivisible nation, seemed to have lost its appeal.[15] The misquoting of Mrs Thatcher as saying that Northern Ireland was as British as Finchely did not even represent the views of this most Unionist of prime ministers. Mrs Thatcher may have seen herself as a Unionist, but as was noted earlier, not an Ulster Unionist. She refused to work with FitzGerald to secure extra money for Northern Ireland from the EU telling the Irish leader that she needed that money for "my people in England."[16] When she was concerned about the deaths of 'our boys' in Northern Ireland she primarily meant British soldiers stationed in Northern Ireland, rather than Northern Irish members of the security forces.[17] This weariness towards Northern Ireland was evident in Patrick Mayhew's indiscreet assertion to a German newspaper in 1993 that, "Most people believe we would not want to release Northern Ireland from the United Kingdom. To be entirely honest, we would with pleasure".[18]

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[15] Even some of those on the right of the Conservative Party who may have been expected to see the Union as an important facet of the United Kingdom seemed to have lost interest in Ireland. Alan Clark recalled in relation to Ian Gow's concerns in the run up to the AIA, "Ireland is a ghastly subject. Intractable. Insoluble. For centuries it has blighted English domestic politics, wrecked the careers of good men". Alan Clark, *Diaries* p.117.

[16] Garret FitzGerald, *All in a Life* op. cit. p.568.

[17] ICBH seminar op. cit. pp.21-22.

[18] Quoted in Conor O'Clery, *Ireland in Quotes*, Dublin, 1999, p.215. Mayhew realised his mistake immediately and retracted the 'with pleasure' remark and repeated the official line that Britain would not stand in the way of unity if that was the will of the majority. The idea that the British policymakers would welcome the ending of the link with Northern Ireland was not new. Similar sentiments were suggested to Eamonn de Valera in 1938 if the consent of the majority community could be secured. See John Bowman, *De Valera and the Ulster Question*, p.304.

This dilution of ideological articles of faith was a contributory factor to the increasing willingness of the two states to co-operate at an intergovernmental level on the Northern Ireland issue. The dilution and subsequent co-operation were at one level merely the result of a growing pragmatism within the policy-making echelons of London and Dublin. There was little point in Dublin persisting with the high-minded justification for indolence on the Northern issue that had marked its policy for most of the post-partition period on the grounds that unity was inevitable and would out. Experience had shown that unity was in no hurry to out and events in the North in the modern period forced Dublin to review its policy and ideology. This review resulted in a (somewhat subliminal) shift from the pursuit of unity to the pursuit of stability in the North.[19] Irish politicians did not sing this shift from the rooftops. Unity was still the stated Irish policy ideal but for practical political purposes efforts were directed towards how to stabilise Northern Ireland and reconcile Northern nationalists to the Northern state as that state was likely to be in existence for the foreseeable future. This ideological re-evaluation was also the result not only of pragmatic acceptance of the durability of the Northern state but also of pragmatic perceived self-interest in Dublin. What has perhaps not been as widely acknowledged as it should have been is the impact that the fear of the Northern issue destabilising the South had on Dublin's policy towards Northern Ireland. This fear of destabilisation was surprisingly real and influential in the South throughout the period. The legacy of the Civil War cast a long shadow in the Republic and the increasing belief that the way to avoid instability in the South was to increase stability in the North was an important determinant in Southern policy. The entry of Sinn Féin into electoral politics in Northern Ireland in the early 1980s increased this fear. This to some extent accounts not only for the attempts by Dublin from the early 1980s to have a greater input into Northern Ireland, to try and

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[19] This shift has been widely identified by commentators over the years. The most recent assertion is contained in Paul Gillespie's, 'From Anglo-Irish to British-Irish relations' in M. Cox et al (eds.) *A Farewell*

reconcile nationalists to the North, but also for some of the disputes between Dublin and London. Irish officials often felt the British did not appreciate the dangers that instability within the North could potentially cause in the South. Dublin believed that the IRA posed a greater threat to the Irish than the British state and as a result were often exasperated with what they saw as Britain's meddling and procrastinating in Northern Ireland. Whether this fear was justified, and indeed whether it was at times exaggerated by Dublin as a policy tool when dealing with London, is not particularly relevant here. What is clear is that the fear was real and was a contributory factor in the shifts in both ideological stance and policies pursued by the Republic towards intergovernmentalism during the period.

Similarly the ideological shifts in Britain's attitude towards Northern Ireland allowed London to take a more pragmatic stance towards intergovernmental co-operation. Had Mrs Thatcher's government stuck to the assertion that Northern Ireland was an issue solely for the people of Northern Ireland, her government and Westminster, then the AIA and DSD could never have been negotiated. Of course the ideological shift in Britain's attitude towards Northern Ireland predates Mrs Thatcher by many years. What marks the period under consideration out from earlier ones is the acceptance by Britain of the desirability for a sustained and institutionalised role for Dublin regarding Northern Ireland. The previous high point of intergovernmentalism, Sunningdale, had proved to be short lived. Yet the principle that was accepted at Sunningdale, that the only thing preventing a united Ireland was the wishes of the majority in Northern Ireland, made the intellectual justification of intergovernmentalism harder to resist. By acknowledging the legitimacy of a united Ireland in some circumstances it was difficult to deny the Irish had an interest in events in Northern Ireland. The problem was how to co-operate with the Republic towards the shared end of achieving a peaceful stable society in Northern Ireland without appearing to

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to Arms? op. cit. pp.180-199.

be working to create the united Ireland you have acknowledged may be legitimate. The desire to avoid antagonising Unionists, which could result in increased instability in Northern Ireland, had to be measured against the possible gains to be had from co-operating with Dublin in the hope of reducing nationalist antipathy towards the institutions of Northern Ireland. It was this dilemma with which the Conservative government wrestled for much of the early 1980s. Even after it appeared to have resolved that the Irish should be brought into the equation with the AIA in 1985 the British were still uneasy about deepening this co-operation for the same reasons.

It is important also not to overstate the impact of the decline of Britain's ideological commitment to the Union. Mayhew's 'with pleasure' comment may be indicative of a frustration with the Northern Ireland issue, it should not be taken as indicative of a determination to end the Union. Although the ideological commitment to Unionism may have diminished, this did not mean that Britain had no role in Northern Ireland. London had acknowledged that it had no selfish strategic or economic interest in Northern Ireland but it still had obligations in Northern Ireland. Although by the 1990s British policy was not shaped by the same ideological imperatives that shaped British policy in the 1890s, it was underpinned by a set of values to which Britain was committed. Chief amongst these was the commitment to uphold the Union whilst the majority of people in Northern Ireland wished it upheld. There had been no real suggestion that Britain would renege on this point. So although ideological changes may have made it more acceptable to co-operate intergovernmentally with Dublin there are limits to how far Britain would agree to alter policy as a result of these ideological changes.

The extent to which the British government were driven towards intergovernmental co-operation by the desire to physically insulate the British state and economy from the

Northern Ireland issue needs to be considered. The degree to which the economic cost of terrorist violence influenced British policymaking is difficult to ascertain. It has been frequently noted that incidents such as the bombing of the Baltic Exchange by the IRA in 1992 -which was estimated to have cost more in financial terms than all the bombs detonated in Northern Ireland throughout the Troubles- and the £1 billion damage caused by a bomb near the Nat West tower in April 1993, were expensive for the British and potentially damaging to London's reputation and stability as the premier European financial market.[20] But such events appeared to have steeled British resolve not to give into terrorism.[21] Albert Reynolds may have believed that huge bombs in the centre of London influenced the British and "the vulnerability of London to such attacks was a factor in subsequent developments".[22] His main adviser, Martin Mansergh, disagreed, however, arguing that "anyone tempted to believe that some future political impasse could be broken by a renewed bombing campaign in the City of London would be disastrously mistaken".[23] Martin Mansergh's analysis is correct in so far as individual bombs would not result in Britain making concessions to the IRA and the IRA were wrong in their belief that by bombing economic targets in London they would break the British will to remain in Ireland. But whilst economic considerations were not the primary motivating factors for co-operating intergovernmentally with Dublin, if as a result of such co-operation the likelihood of bombs aimed at economic targets would be reduced then this was another possible benefit of, and argument for co-operation.

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[20] Bew and Gillsepie, *Chronology 1968-1993* op cit p.261 & p.298.
[21] Major op. cit. p.444, Thatcher op. cit. p.381-385.
[22] Séan Duignan *One Spin on the Merry-Go-Round* op. cit. p.102.
[23] Martin Mansergh op. cit. p.151.

Working within the constraints: pursuing the possible.

What then was the net result of the constraints identified above? Perhaps the most important effect of the constraints was not so much the impact they had on directly determining what form intergovernmental co-operation took and what policies were pursued, but the fact that they prohibited a variety of policies. As such these constraints set the parameters within which the two governments co-operated and importantly these parameters to some extent encouraged/necessitated intergovernmental co-operation.

What could not and consequently could be done

The constraints taken together meant that certain policies, which had their advocates in both political and academic circles, were to all intents and purposes non-starters. Given that the British government (and perhaps less importantly due to their lack of sovereignty, the Irish) were unwilling to attempt to impose policies by draconian measures, to be a realistic option any policy on Northern Ireland needed to secure sufficient consent within Northern Ireland. This necessity meant that the options of full integration of Northern Ireland into the UK, repartition, independence, unity without consent and the restoration of majority rule devolution, were widely accepted as unrealistic by the British government throughout the period. Each of these 'solutions' were at times championed by groups within Northern Ireland, and in the case of integration, by the Conservative Party whilst in opposition, and repartition by Margaret Thatcher herself in office. Yet each one would have caused more problems than they solved. The negating of these options resulted in only two realistic possibilities remaining, continued direct rule or power-sharing devolution. Since its inception the British saw direct rule as a temporary measure and devolution as the preferred option. The problem was that while the Unionists appeared only willing to contemplate a return to majority rule devolution; nationalists would only countenance power-sharing devolution. As a result by default the British were left

pursuing their 'temporary' measure of direct rule throughout the period. Direct rule was problematic in that it was no group or government's favoured option yet opinion on the other options were so divided that all attempts to shift from direct rule to devolution failed. To this end the British were left with the task of finding a way to make direct rule more palatable and productive. The failure of internal initiatives such as the Atkins Talks and Rolling Devolution in the early 1980s encouraged London to explore co-operation with Dublin. The argument that London looked to Dublin as all other routes were closed has some validity. Similarly failure of the proclaimed desire by Dublin to seek improved relations with Northern Unionists and fears of destabilisation led Dublin to look to London to forward its agenda.

The development of intergovernmental co-operation

Both London and Dublin therefore pursued an intergovernmental agenda for reasons that can be attributed to perceived self-interest. The British did not allow the Irish a say the affairs of Northern Ireland as a philanthropic neighbourly gesture, the Irish did not get involved out of a sense of obligation to a fellow European state facing a little local difficulty. For the British the rationale was that direct rule was likely to remain the necessary policy for the foreseeable future but it remained deeply problematic. To this end, given the demonstrable lack of progress towards rapprochement between the two traditions within Northern Ireland and subsequent growing exasperation with the Unionists, London looked towards Dublin for assistance. Fortuitously around the same time the Irish were looking to increase their input on Northern Ireland as a result of the rise of Sinn Féin and nationalist alienation in the North and related fears of destabilisation in the South. The South had of course argued for a greater input into Northern Ireland for many years but the situation under Garret FitzGerald's government in the mid 1980s was slightly different. Under Charles Haughey at the start of the 1980s the calls for an

intergovernmental approach to the issue were couched in terms that envisaged the two governments co-operating on how to create the inevitable united Ireland. Under FitzGerald the language changed and whilst the Irish still called for unity they became embroiled in a negotiating progress that was ultimately more to do with stabilising the North than uniting the island. As has been argued the perceived self-interests that compelled the two governments towards co-operation did not coincide to the extent that they were united in either their evaluation of the problem or in their prescription for the solution. The desire to create a peaceful society in Northern Ireland united the two states; their analysis of how that could be achieved divided them. It is along this fault line that the periodic Anglo-Irish disputes occurred. This is hardly surprising given that Britain and Ireland are two independent states one of which has, for historical reasons, a deeply ingrained suspicion of the other. However, once the two states had embarked (or re-embarked given the earlier Sunningdale period) on a co-operative approach certain factors helped, if not to overcome then at least to offset the periodic disputes and recriminations.

Factors providing ballast for the intergovernmental relationship.

Although the Anglo-Irish relationship has been somewhat tempestuous over the period it is possible to identify certain factors which have helped to keep the relationship if not on an even keel then at least afloat. Primary amongst these have been institutional structures, personal relationships and accumulated intellectual capital.

Institutional structures

An interesting and important feature of Anglo-Irish relations between 1980-1993 was the creation of certain structures that institutionalised or facilitated intergovernmental co-operation. Such structures can be divided between governmental and non-governmental bodies (and further subdivided between formal/standing bodies and informal/ad hoc

bodies). For the purpose of this study the most important ones are the governmental bodies. The main formal governmental bodies that have been created in the period are those that were set up under the AIA: the Intergovernmental Conference (effectively replacing the Intergovernmental Council created in 1981) and the Secretariat. These institutions were of enormous importance in furthering intergovernmental co-operation. Whilst at times they seemed merely forums for the two governments to air their grievances and castigate one another, their importance was of course far more pronounced. The institutionalising of direct, regular and permanent contacts between British and Irish officials and ministers helped to provide a forum for resolving differences. It also created a forum for preventing such differences becoming open disputes and enabled the two governments to act in a proactive, rather than simply reactive manner. It is of course possible, and often useful, to point out the problems that have still arisen despite this structure and question its validity and efficacy. What is harder to deduce is what the status and development of intergovernmental relations would have been over the period had these formal structures not been instituted? That the bodies did not prevent Anglo-Irish disputes does not invalidate them or prove their worthlessness. As has been argued given that what we are examining was the co-operation of two sovereign states, interacting over what was at least theoretically a contested territory, disputes were inevitable. The inbuilt tension in the relationship assures that disputes would out. What happened in the period was that steps were taken to deal with and minimise the frequency of such disputes, with some success. (This purpose was also aided by existing non-Northern Ireland related structures, particularly trans-national ones such as the EC. The opportunity that EC meetings have provided for British and Irish politicians to meet to discuss the Northern Ireland issue was beneficial.) Similarly the institutionalising of negotiations between the two governments and all constitutional parties in Northern Ireland during the Brooke-Mayhew Talks

provided another forum for increased contact and ultimately, according to those involved in the process, an increased awareness of the goals and constraints of others.

Informal meetings, particularly of British and Irish officials, supplemented the formal intergovernmental structures. In the early 1990s the 'Iceberg Committee; was created whereby senior British and Irish officials met in a social context every three months to discuss possible problems, not just over Northern Ireland but also matters such as European issues.[24] Such increased contacts have greatly facilitated intergovernmental co-operation, but again have not and indeed cannot eradicate all areas of dispute.

Non-governmental organisations have also played a role in improving general Anglo-Irish relations. Some of these have been created as a result of intergovernmental initiatives, such as the British Irish Inter-parliamentary Body and Anglo-Irish Encounter. Such bodies, and others such as the British-Irish Association whilst not directly impacting on intergovernmental co-operation have been influential in promoting better relations and understanding between the two states and as such have provided a useful input and backdrop to the process.

Personal relationships

Largely as a result of increased contact between British and Irish policymakers close and productive personal relationships emerged between many of the key politicians and officials involved in shaping the Northern Ireland strategy of the two states over the period. These good relations are widely cited by those involved as an important factor in the

[24] Lord Butler and Garret FitzGerald, interviews with the author. FitzGerald claims Lord Armstrong told him the committee was called 'Iceberg' because it was trying to identify problems that existed under the surface.

development of intergovernmental co-operation.[25] Whilst at times personal relations at the political level were strained, particularly between Mrs Thatcher and Charles Haughey, these problems were to some extent offset by good relations between officials. The considerations that drive politicians are subtly different to those that drive officials. Politicians are of course ultimately constrained by public opinion and what is perceived to be an acceptable and an unacceptable risk. They have what one official termed "the burden of responsibility".[26] Officials, although of course answerable to their political masters and acting under their instruction, are somewhat freer to explore options and possibility. Also, given their permanency under both systems they tend to be involved in the process for far longer periods than individual politicians. This increased exposure and the subsequent close personal relations between British and Irish policymakers were instrumental in shaping intergovernmental co-operation. Throughout the period it is possible to find British and Irish officials (and indeed politicians) whose close relationship is cited by many others involved as an important determinant of intergovernmental co-operation. These good working relationships were seen as beneficial when trying to overcome problems. As one Irish official explained regarding the AIA negotiations, "it is hard from outside for people to believe that the two sides could establish genuine friendships working together and yet neither was betraying their basic position… There was a real effort, particularly I would say on the British side, by people like Robert Armstrong and David Goodall, to try and understand the other side's point of view and try to find a way through. But if you said that to people outside they would say, 'Oh, they were seduced by you'. They were quite tough in their positions but when we came up to

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[25] All interviewees claimed that Anglo-Irish relations were aided by increased interaction between officials and politicians during the period.
[26] Sir John Chilcott, interview with the author.

an obstacle, instead of saying, 'that's an obstacle'. They would try to see if there was a way round it that can meet our position and meet (theirs)"[27]

Once again there is a need for caution in such an analysis. It would be wrong to suggest that the fact that groups of British and Irish officials had good personal relationships meant that intergovernmental co-operation was assured. Officials may not have "been burdened by political baggage" and so "freer in terms of creating possibilities". But these officials are also "constitutional creatures and unless they can sell their proposition to their constitutional masters it does not even start."[28] Like most factors good personal relations between politicians and officials was a contributory rather than determining factor. Even the best of relations were at times strained by events on the ground and the responses of each government too them.

Accumulated intellectual capital

When the Troubles broke out it is widely accepted that both London and Dublin were ill prepared for the situation and had comparatively little understanding of (or interest in) the situation in Northern Ireland. The deteriorating situation in the North forced both governments to review policy and procedure and take an interest in the situation. By the 1980s the two governments had over ten years experience of dealing with the issue. As time went on and mistakes were made and initiatives started and ended, both sides

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[27] Noel Dorr, interview with the author.

[28] Sir John Chilcott, interview with the author. One factor, which several officials cited as being at least a consideration for politicians, was their place in history. Officials widely believed that politicians were conscious of the kudos they would receive for being the person that solved the Irish question. As Robert Andrew said of Mrs Thatcher, "I think like other prime ministers she was anxious to go down in history as the one who solved the North Ireland problem. This is understandable with politicians, whether prime ministers or secretaries of state, they want to solve the Northern Ireland problem". (Sir Robert Andrew, interview with the author.) Sir John Chilcott and Séan Duignan also made similar observation, interviews with the author. This does not mean that politicians will do anything to solve the Northern Ireland problem but it suggests that politicians may be willing to take certain risks towards this end. The constraining factors

increased their understanding and interpretation of the problem. This learning curve continued over the whole period under consideration and a consensus of sorts began to emerge. Somewhat by trial and error and as a result of the constraining factors discussed above, what was feasible and what was impractical became apparent. This analysis and interpretation was not identical in London and Dublin but both sides built up expertise and familiarity on the issue. In the British context the former head of the Northern Ireland Office, John Chilcott, who has recently been reviewing Cabinet papers from the early 1970s, stresses the differences that this expertise made to the later situation. John Chilcott notes, "how confused and incoherent and uncertain British policy was at that time, and indeed relatively ignorant as (there) had been little need to go very deep into Ireland for decades, and then contrasting that with my own experience twenty years afterwards. Twenty years of collective memory, intellectual capital if you like to draw on and it's a quite different thing."[29] Of course there are those who argue that British policy through the 1980s and 1990s resembled an incoherent crisis-management approach to the issue.[30] Others argue that British governments displayed "slow learning" and it took the Thatcher/Major governments "two decades to what Edward Heath mostly understood in 1973".[31] Yet what O'Leary terms 'ethno-national policy learning' is perhaps more convincingly explained as working within the parameters of the possible. There is no real evidence that the British government fundamentally altered its view of the Northern Ireland conflict in the period under consideration to accept it as an 'ethno-national' conflict. Arguably the British and Irish governments had, at the outbreak of the Troubles, accepted the rationale behind such an analysis. Events upon the ground in Northern

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militate against excessive risks, however, and the willingness to take such risks is further tempered by the desire to ensure the Irish question does not once again dominate British politics.

[29] Sir John Chilcott, interview with the author.

[30] See Michael Cunningham *1969-2000* op. cit. pp.152-154 for a discussion of why arguments claiming British government policy is inconsistent are not persuasive.

[31] Brendan O'Leary "The Conservative Stewardship of Northern Ireland 1979-1997' op. cit.

Ireland, the demands and expectations of the two communities within Northern Ireland, as well as the domestic and international considerations of the two governments explain the apparent inconsistencies in British and Irish policy in the period. The point that John Chilcott makes is important and also applicable to some extent to the Irish government's situation during the period. The deepening intellectual capital of the two governments improved London and Dublin's ability to work within and have influence upon the constraints they faced. This intellectual capital helped the two governments to decide which outcomes were unrealistic and to attempt to shape policy towards achieving what they believed were realistic ends. For neither government were these ends the ideal, but each accepted that twenty-odd years of intellectual capital had shown them to be the only options. This intellectual capital indicated how to move towards what the constraints suggested was possible and practical and so was another contributory factor encouraging intergovernmental co-operation on the Northern Ireland issue.

A process not a master plan

British-Irish intergovernmental co-operation between 1980 and 1993 was the result of a belief in London and Dublin that national self-interest could be best served by co-operating with the neighbouring state. As has been argued the analysis and prescription of the two states did not necessarily converge and the intensity of the co-operation and each state's commitment to it ebbed and flowed over the period. As a result it is hard to apply a theoretical model of international relations or inter-state co-operation to Anglo-Irish relations in this period. Indeed attempts to apply an over-arching theoretical framework to the co-operation can obfuscate rather than illustrate the relationship. Application of broad-brush explanations of the relationship concentrating on the 'successes' of co-operation would fail to allow the complexities of the relationship between the two states to be appreciated. Whilst theoretical explanations of the relationship can add to our

understanding of intergovernmental relations we must be careful that we do not obscure what we seek to explain by their application. Patrick Keatinge's conclusion in 1982 of the relationship between the two states as 'complex interdependence' is still the best summation of the relationship between Britain and Ireland when dealing with Northern Ireland.

There is little evidence that those involved in policy formation in the two states are particularly troubled or driven by theoretical models and classifications. As one participant noted, "I find all these academic concepts about consociation and all that thoroughly unhelpful, but I know academics like these things".[32] This by itself does not of course invalidate the usefulness of theoretical explanations of international relations. This study has attempted to examine the development of the intergovernmental relationship during the period and to explain and contextualize its development in terms of the factors that encouraged and negated Anglo-Irish co-operation. It is the inter-play of these numerous, competing and often contradictory factors that have shaped the relationship and intergovernmental co-operation. Whilst the factors identified above dictated the realm of the possible and set the parameters for the co-operation they did not dictate the exact form that that co-operation *must* take. There is a danger in both overstating and understating the influence of the constraints. If the constraints are seen as too restrictive then the outcome of co-operation appears inevitable and British and Irish policy appears pre-destined to travel form Dublin in 1980 to Downing Street in 1993, via the exact course and at the exact pace that it did. If the constraints are under-played the two governments can be appear as omniscient Machiavellian co-conspirators implementing a detailed master-plan concocted between them and imposed on the hapless parties of Northern Ireland. Both scenarios are

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[32] Sir David Goodall, interview with the author.

nonsensical. A better description of the ad hoc and comparatively pragmatic stance pursued by the two governments is given by one of the key players to the process:

> "The whole history of the process from 1970/71 onwards is characterised partly by necessary opportunism and underneath supporting that policy of necessary opportunism it is a process, it is dynamic or it is nothing. It is not a conclusion that you simply get to. Therefore movement in any forward direction, however laterally is of itself a good thing, as compared with stasis."[33]

This does not mean that the two states were pragmatic to the point of being willing to accept absolutely any proposal that could lead to forward movement in any direction. Each state had to work within the existing constraints and to the existing values that they held. But within those parameters decisions were made as to what policies to pursue and whether to pursue them intergovernmentally or unilaterally.

There is one further danger in a study of this nature. Given its focus it is in danger of overstating the importance of the relationship it seeks to explain and evaluate. Anglo-Irish co-operation between 1980-1993 was responsible for important advances in the search for stability in Northern Ireland but again it needs to be emphasised that the constraints the two governments faced were real and restricting. The two governments could not (and cannot) solve the Northern Ireland problem, if they could it would have been solved long ago. What they can do is try and shape the debate within and on Northern Ireland, co-operate towards creating a more peaceful society and co-sponsor initiatives aimed at bringing a solution to the issue closer. These are important roles, which the two states attempted to fulfil between 1980 and 1993. But given the divided nature of Northern Ireland no amount of Anglo-Irish co-operation by itself can provide the solution. Both states and governments are, whether they like it or not, participants as well as prospective partners in the dispute and as such need to interact with the other participants to try and secure a resolution to the issue.

Bearing in mind these complexities, constraints and the cyclical nature of Anglo-Irish co-operation between 1980 and 1993 is it possible to say that the co-operation between London and Dublin has had a positive influence on the issue? The worth of the co-operation is hard to quantify, as is the likely situation that Northern Ireland would have been in after these 13 years if the co-operation had not occurred. Any conclusions are obviously tentative and speculative given the contemporary nature of the period under consideration. For all of these reservations it is difficult to see how increased co-operation between the two states has been anything but beneficial. The ideological changes that the two states have undergone over many years has led them to adopt a more pragmatic and accommodating approach to each other and each other's interest in Northern Ireland. This in turn has enabled each state to use its relationship with its client community in Northern Ireland to try and address some of the underlying areas of dispute between the two communities in the North.[34] The level of co-operation did indeed deepen between the two states over the period as experience, institutions and co-sponsorship drew them closer together, all of which was beneficial to the situation in Northern Ireland. Yet the co-operation remains driven by pragmatic self-interest on the part of the two states. This self-interest has led the British and Irish governments to institutionalise a level of co-operation on the issue. It has not though led to a uniting of ideals and aims and as such Anglo-Irish relations over Northern Ireland remained throughout the period and indeed since, prone to debilitating disputes and fractious recriminations. But the factors than compelled a movement towards co-operation remained strong enough throughout the period (and

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[33] Sir John Chilcott, interview with the author.

[34] The sponsor-client relationship is a difficult one and at times during the period each state viewed the other as too responsive to the demands of extremists within their client community. If either state became too accommodating of the demands of their client there is a danger that the sponsor became client and the client became sponsor. This explains, for example, British unease at what they felt was the over-willingness of Dublin to pursue a Sinn Féin dictated agenda during the DSD negotiations and Irish unease at British accommodating of Unionist sensibilities during the same talks process.

subsequently) to ensure this co-operation continued and deepened. There were (and remain) alternatives to intergovernmental co-operation but the constraints and compulsions meant such alternatives were of questionable worth in the 1980s and early 1990s.

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